

Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL

Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL ^[86]

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Sec. 25-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agreement means a contract for water service between the county and other public or private water systems, counties or municipalities.

Approved means accepted in writing for planning, installation or activation by the director.

Appurtenance means an item attached to or made part of a water main to divert or control flow, excluding taps and waterlines.

As-built design means a graphical presentation of the characteristics and scope of work performed which has been prepared by the engineer and approved by the county.

Authorized person means a regular and designated employee of the county or its legal agent.

Backflow means the flow of water or other liquids, mixtures, gases or other substances into the distributing pipes of the potable water supply from any source or sources.

Backflow prevention device means any effective device, method or construction approved by the county, used to prevent backflow into a potable water system. The type of device used should be based on the degree of hazard, either existing or potential.

Back-siphonage means a form of backflow due to a negative pressure within a potable water system.

Back pressure means a form of backflow due to a negative pressure within a potable water system.

Billing period means the time interval between issuance of statements for service.

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Commercial customer means a person receiving service at premises where such person engages in nonmanufacturing business operations, as licensed by the county.

Commodity charge means a billing to a customer reflecting the volume of water delivered.

Comprehensive plan means the currently adopted future land use plan for the county.

Construction cost means the contractor's expense in constructing any additions or modifications to the water system.

Contractor means a person with whom the county or a developer contracts for execution of work.

Cross-connection means any actual or potential connection or structural arrangement between the public potable water system or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

Customer means a person receiving water service from the county.

Department means the public works department or such other department as may hereafter be designated to enforce this article.

Developer means a person engaged in building residential subdivisions, commercial or industrial complexes.

Development means any action in preparation for construction activities which results in alteration of either land or vegetation. This definition shall not apply to individual single-family dwelling unit construction within a subdivision recorded subsequent to July 28, 1970, or to alteration, modification or additions to single-family dwelling units except for, in either case, individual single-family lots where site plans for each are required by special designation on the recorded plat or such lots are located within the intermediate regional floodplain.

Director means the public works director of the county, or when a department other than the public works department is designated to enforce provisions of this article, the director of such department.

Dwelling means a domicile intended for one (1) or more families.

Dwelling unit means that portion of a dwelling in which only one (1) family resides.

Engineer means a professional engineer practicing civil-sanitary engineering who is licensed by the state.

Extension means an addition to the water system consisting of mains six (6) inches or larger in diameter and all appurtenances required or accepted by the county.

Fire hydrant means a system appurtenance for connection and flow control to temporary fire lines.

Fire line service means an unmetered or metered permanent connection to the system restricted to fire control use.

Guarantee deposit means a sum of money specified by the county deposited by a prospective customer as guarantee that bills for service will be paid.

Health hazard means an actual or potential threat of contamination, or pollution of a physical or toxic nature to the public potable water system or the consumer's potable water system to such a degree of intensity that there would be a danger to health.

Hearing means a public meeting called at the discretion of the county with appropriate public notice to evaluate merits of a system extension or modification.

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Industrial customer means a person engaged in manufacture or processing of goods or materials, as licensed by the county.

Inspection means an action by an authorized person who may enter a customer's premises to inspect the water system and any plumbing connected thereto for their compliance with county ordinances.

Inspection fee means a charge to a customer, contractor, developer or other person for inspecting extensions or existing or new connections to the water system for their compliance with county ordinances.

Meter means a manufactured unit which is part of the system, used to measure and totalize volume of water flowing from the system into a customer's piping system.

Miscellaneous service means any noncontinuous service for which charges are set.

Off-site mains means system water mains installed outside of private property or tracts planned for development.

On-site mains means system water mains installed in easements or dedicated rights-of-way within private property or tracts planned for development.

Oversized mains means water mains sized for capacity in excess of that required to meet the short-term needs that prompted extension.

Planned extension means an extension of the water system by the county done as a programmed fulfillment of a step in its long-range planning process.

Plans means engineering drawings and specifications for extension of the system or for connections thereto, prepared by an engineer or by the county.

Plumber means a person licensed to render plumbing services in the county.

Plumbing means piping and associated fixtures on a premises that are connected in any way to the water system.

Plumbing fee means that fee paid to the county for the issuance of a plumbing permit.

Potable water means water meeting the requirements of the latest United States Public Health Service set of regulations, Drinking Water Standards, for use in control of water quality for interstate carriers.

Premises means building, house, store, plant or any other place where people live, work or congregate.

Private water system includes the water source, delivery piping and all appurtenances, excluding building plumbing, that serve more than one (1) dwelling unit or a commercial or industrial premises as a potable water supply.

Property owner means a person holding legal title to a premises or an authorized representative thereof.

Sanitary sewer means a pipe which carries sanitary sewage and excludes groundwaters, surface waters and stormwaters.

Service means the acts and procedures of supplying water to system customers.

Service charge means billing for recurring service that is provided, whether service is used or not.

Service cock means the valve placed on the service connection which is used to turn on and turn off the flow of water from the water main to the premises.

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Service connection means the procedure of making service available to a customer, which includes the service line, water meter, service cock and the tap on initial installation; subsequent service connections will normally only require a water meter.

Service connection charge means a charge made by the county for the service connection including the tap fee when performed.

Service line means the waterline from a tap to and including meter and service cock if they are required.

Standard Methods refers to Standard Methods for the Examination of Water and Wastewater, latest edition, published by APHA, AWWA, WPCF.

Sterilize or *sterilization* means the procedure of disinfecting water mains, service lines, plumbing and appurtenances by county-approved methods.

Subdivision means any tract of land, divided, planned or developed as a subdevelopment with two (2) or more residences, buildings or building sites.

Surge means a sudden pressure change in the water system caused by rapid valve operation.

Tap means the procedure and result of connecting a service line or water main to an existing or new water main.

Tap fee means a charge made by the county for making a tap on its water main.

Unsanitary means unclean, unhealthy or harmful to the public health.

Valve means a plumbing appurtenance used to control flow in a water main or service line.

Water main or line means a pipeline in the water system.

Water system or *system* means the interrelated network for purification and delivery of drinking water owned by the county, including all water mains, service lines and appurtenances.

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Sec. 25-27. - Cross-connection survey team.

The cross-connection survey team shall work under the direction of the department, and shall have authority for implementation of the cross-connection requirements of the county. It shall have responsibility to see that backflow prevention devices are installed where required, tested for proper functioning upon completion of installation, and periodically tested for proper functioning after installation.

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Sec. 25-28. - Feasibility of providing service.

Water service and fire protection shall be provided in the order of application and only if determined to be feasible and consistent with sound system operation.

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Sec. 25-29. - Water quality standards; inspection; record of treatment operations.

The system shall supply potable water meeting current drinking water standards established by federal, state and local authorities. The system shall be open to inspection and tests by such authorities upon reasonable notice. The county shall maintain a record of water treatment operations available for public inspection by appointment with the director.

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Sec. 25-30. - Continuity of service, consistency of quality.

The county shall make every reasonable effort to provide continuous service and potable water. The county does not warrant that system malfunctions will not result in service interruptions or pressure changes, nor does it guarantee that water quality will not vary, nor does it guarantee that it will be directly suitable for special commercial or industrial processes. The county assumes no liability for damages caused by varying pressure, interrupted service or water quality changes.

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Sec. 25-31. - Emergency restriction of service.

- (a) The city and county reserves the right to shut off or diminish flow in system mains due to repairs, emergencies or water shortage. Notice shall be given in the event of water shortage or prolonged routine maintenance interruptions of service. Notice is not required for emergency diversions of water or emergency repairs.
- (b) During periods of dry weather, upon determination by the county that a water shortage or potential water shortage exists to the extent that the county water system may not have sufficient flows for domestic service and fire protection, the chief executive may issue such warning to the public as appropriate to effect conservation measures or the chief executive may by order direct that unessential water usages, such as lawn watering and automobile washing, may be restricted to certain hours of the day or not permitted at all until the shortage or potential shortage no longer exists. Persons shall not violate such an order.
- (c) Any person who does anything prohibited or fails to do anything required either by this section or by an order of the chief executive officer, upon citation and conviction of the violation in a court of competent jurisdiction, shall be subject to the penalties in accordance with this section and [section 1-10](#). Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.
- (d) For a first violation of the provisions of this section or of an order entered by the chief executive officer pursuant to this section, the director of watershed management or designee shall issue a written warning of the violation and if the violation is not corrected immediately, a notice of violation shall be issued. If the first violation presents an imminent threat to public health or safety, the director of watershed management or designee shall issue an immediate citation in lieu of a written warning.
- (e) Upon conviction of any violation of this section or of an order entered by the chief executive officer pursuant to this section, the court shall impose a fine of not less than two hundred and fifty dollars (\$250.00) in addition to any other penalty or punishment imposed by the court.
- (f) Upon a second and subsequent conviction within a twelve-month period measured from the date of the first conviction of any violation of this section or of an order entered by the chief executive officer pursuant to this section, the court shall impose a fine of not less than five hundred dollars (\$500.00) in addition to any other penalty or punishment imposed by the court.
- (g) Upon a third and subsequent conviction within a twelve-month period measured from the date of the first conviction of any violation of this section or of an order entered by the chief executive officer pursuant to this section, the court shall terminate water service to the property where the violation occurred for a period of time to be determined in the discretion of the court, impose a fine of not less than one thousand dollars (\$1,000.00) and impose a minimum jail sentence of twenty-four (24) hours.

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- (h) The penalties provided in this section are not cumulative and shall not prohibit the city or DeKalb County from pursuing any other civil or criminal remedies authorized by this code, county, state, or federal law.

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Sec. 25-32. - Enlargement, improvement of water supply.

The county may contract for additional water sources to enlarge and improve the water supply. A public evaluation study prior to contracting shall be made to determine cost effectiveness and to assess the impact of substantial improvements.

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Sec. 25-33. - System financing.

The system shall be self-sustaining from its revenues, grants and other incomes. Expansions and improvements of service shall be effected using funds in system accounts or by sale of system revenue certificates. The department shall prepare annual reports of planned expansion and improvement for review by the city council.

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Sec. 25-34. - General maintenance and protection of service policy.

The city and county shall take all reasonable and necessary measures to protect the water system from contamination and to assure a continuous supply of potable water. Customers and other persons shall observe all procedures promulgated by the county to meet the above objectives with particular reference to the maintenance and protection procedures contained in this article.

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Sec. 25-35. - Protection of water sources, storage facilities.

No person shall enter the premises of water storage facilities or reservoirs without authorization from the department. No person shall place any contaminating substances in water sources or water storage facilities.

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Sec. 25-36. - Reserved.

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Sec. 25-37. - Proximity of waterlines to sanitary sewers.

No sanitary sewer shall be placed within ten (10) feet horizontally of a waterline nor less than three (3) feet above or below a waterline without special protection approved by the department.

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Sec. 25-38. - Reserved.

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Sec. 25-39. - Surge protection.

Customers shall not employ fast-acting valves on any line or connection thereto without surge protection approved by the city or county.

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Sec. 25-40. - Electrical grounding.

No new or revamped wiring systems or electrical appliances that may induce shock shall be grounded to the water system or connected thereto. Grounding rods or other devices will be employed.

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Sec. 25-41. - Covering of appurtenances.

Pavement or earthwork shall not be placed over any valve or box cover nor shall such appurtenances to the system be rendered inaccessible to the city or county.

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Sec. 25-42. - Reserved.

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Sec. 25-43. - Location, ownership of facilities.

The entire water system up to and including meters is the property of the county, except for other water systems connected by agreement. In no case shall mains or appurtenances be placed outside of public rights-of-way or appropriate easements. Title shall not be conveyed to the county for mains or appurtenances without simultaneous conveyance of necessary easements or rights-of-way. Title to any water system property or components shall not be conveyed to any person unless the county approve such to be obsolete, surplus, and not needed in long-range system plans and further provided that the county receives compensation or credit in amount of fair market value.

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Sec. 25-44. - Inspection of premises; right of entry.

- (a) Application for water service shall constitute agreement that a customer shall allow the city or county inspection of the premises for violation of this article, maintenance of the system, meter reading, testing, surveys, and inspection of waterline construction. Entry to premises for any purpose other than routine and agreed-upon operations shall be preceded by due notice served as provided in this section.
- (b) Due notice shall consist of a certified letter, return receipt requested, being mailed to the person refusing to allow entry. This notice shall require acknowledgement and agreement of that person to allow entry, giving ten (10) days' time after receipt of due notice for this to be made. When due notice

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is given for purpose of access for surveys or inspection, acknowledgement and agreement to allow entry shall be made within the same ten (10) days and no offense is presumed. Thereafter the county may issue citations by certified letter for each day of violation now presumed only after issuing a second due notice for violation as outlined above.

- (c) The city or county and its authorized agents and employees may enter upon any lands in the city for the purpose of making such surveys, soundings, drillings, and examinations as the county may deem necessary or desirable to accomplish the purposes of planning and engineering water system improvements; and such entry shall not be deemed a trespass nor shall it be deemed an entry which would constitute a taking in a condemnation proceeding, providing that reasonable notice of such entry shall be done in a reasonable manner with as little inconvenience as possible to the owner or occupant of the property, and the county shall make reimbursement for any actual damages resulting from such entry.

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Sec. 25-45 – 25-49. - Reserved.

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DIVISION 1.5. - ILLEGAL USE OF WATER REGULATIONS

[Sec. 25-50. - Title.](#)

[Sec. 25-50.1. - Definitions.](#)

[Sec. 25-50.2. - Illegal use of water.](#)

[Sec. 25-50.3. - Fraudulent representation for use of water.](#)

[Sec. 25-50.4. - Unauthorized connections prohibited.](#)

[Sec. 25-50.5. - Unauthorized reconnection prohibited.](#)

[Sec. 25-50.6. - Damage of any appurtenances to water supply system prohibited.](#)

[Sec. 25-50.7. - Meter tampering prohibited.](#)

[Sec. 25-50.8. - Bypassing meter prohibited.](#)

[Sec. 25-50.9. - Permission required to use unmetered water.](#)

[Sec. 25-50.10. - Fire hydrants.](#)

[Sec. 25-50.11. - Unauthorized possession of a fire hydrant meter](#)

[Sec. 25-50.12. - Unauthorized operation of valves or other water system control or regulating devices.](#)

[Sec. 25-50.13. - Water to be cut off in case of violation.](#)

[Sec. 25-50.14. - Criminal penalties.](#)

[Secs. 25-51—25-54. - Reserved.](#)

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Sec. 25-50. - Title.

Sections [25-50](#) through [25-50.14](#) shall be known as the illegal use of water regulations of DeKalb County, Georgia in the City of Brookhaven, Georgia.

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Sec. 25-50.1. - Definitions.

For the purposes of this division, certain terms and words are hereby defined. Where words are not herein defined, but are defined in [section 1-2](#) or elsewhere in [chapter 25](#) of this Code, those words shall have the meaning as defined therein.

Commercial establishment means any hotel, motel, apartment, multifamily dwelling, rooming house, restaurant, business, industrial, public or semipublic establishment of any nature or kind whatsoever but does not include a single-family dwelling or a condominium.

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Sec. 25-50.2. - Illegal use of water.

It shall be unlawful for any person to obtain water from the county's water system with the intent to avoid payment for said water.

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Sec. 25-50.3. - Fraudulent representation for use of water.

It shall be unlawful to make a false representation on the county application for water service to any premises, or to use water in or upon any premises for purposes not set forth in the application.

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Sec. 25-50.4. - Unauthorized connections prohibited.

No person shall connect to, tap on, or discharge water from any water line or water main belonging to the county without first obtaining the written permission of the chief executive officer or his/her designee to do so and without first paying the required deposit, tap fee, and/or connection charge.

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Sec. 25-50.5. - Unauthorized reconnection prohibited.

No person shall reconnect or turn on any water connection where the water connection has been disconnected by the city or county for nonpayment of water bills, or for other purposes.

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Sec. 25-50.6. - Damage of any appurtenances to water supply system prohibited.

No person shall damage, destroy, deface, impair the function of, or otherwise vandalize any portion of the county water supply system.

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Sec. 25-50.7. - Meter tampering prohibited.

No person shall break, alter, change the reading of, or tamper with the mechanism of any water meter of the city or county.

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Sec. 25-50.8. - Bypassing meter prohibited.

No person shall attach any pipe, device or mechanism of any kind or type to any county water line, pipe, meter, or main in such a manner as to cause any water to flow through, by or around any city or county water meter without the meter properly measuring and recording the quantity thereof.

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Sec. 25-50.9. - Permission required to use unmetered water.

No person shall attach any pipe, device or other mechanism of any kind or type to any county water line, pipe or main where a water meter has not been installed and the water taken does not flow through a water meter without first obtaining written permission from the county.

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Sec. 25-50.10. - Fire hydrants.

- (a) No person shall attach a hose, pipe or other mechanism to a city or county fire hydrant or open a fire hydrant without first obtaining written permission from the director of the department of watershed management or the city or county fire chief, except in case of a fire.
- (b) No person shall be allowed to use water from any fire hydrant connected to the county water system, except by special permit from the director of the department of watershed management or the city or county fire chief, except in case of fire.
 - (1) *Schedule of charges.* In cases where a special permit is issued, the department of watershed management shall install a hydrant meter with a backflow preventer. The quantity of water used shall be charged to the customer at the prevailing rates in effect at the time of usage of water.
 - (2) *Deposits required.* A deposit, as established from time to time by the board of commissioners, shall be required with each application for installation of a hydrant meter. Part of the deposit may be credited against the water charge for the hydrant usage when the meter is removed. If the meter is damaged prior to removal by the county, the deposit shall be forfeited and retained by the county.
 - (3) *Backflow prevention.* Proper backflow prevention measures shall be used in the manner required by the county cross connection control survey team.

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Sec. 25-50.11. - Unauthorized possession of a fire hydrant meter

It shall be unlawful for any person to have in his/her possession any unauthorized fire hydrant meter. Fire hydrant meters shall be installed by the department of watershed management after the requesting

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party completes an application and pays applicable fees. The hydrant meter shall be installed as close as possible to the requested location.

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Sec. 25-50.12. - Unauthorized operation of valves or other water system control or regulating devices.

No person shall operate or change the adjustment of any water system valve, pressure regulating device, or other water system control device without first obtaining written approval from the director of the department of watershed management or his/her designee.

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Sec. 25-50.13. - Water to be cut off in case of violation.

If any person, either as owner or tenant, shall violate or permit other persons to violate any provision of this division, the supply of water to the premises shall be shut off and service discontinued forthwith. The water shall not again be turned on until such unauthorized use of water is stopped and there shall have been paid to the city or county such charges as the finance director or his/her designee may determine to be due for water used in violation of this division and for the expense of discontinuing and restoring water service.

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Sec. 25-50.14. - Criminal penalties.

- (a) Any person who does anything prohibited or fails to do anything required by these illegal use of water regulations, upon citation and conviction of the violation in a court of competent jurisdiction, shall be subject to the penalties in accordance with [section 1-10](#). Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.
- (b) Upon a second and subsequent conviction within a twelve-month period measured from the date of the first conviction of any violation of these regulations, the court shall impose a fine of not less than five hundred dollars (\$500.00) in addition to any other penalty or punishment imposed by the court.
- (c) Upon a third and subsequent conviction within a twelve-month period measured from the date of the first conviction of any violation of these regulations, the court shall impose a fine of not less than one thousand [dollars] (\$1,000.00) and impose a minimum jail sentence of twenty-four (24) hours.
- (d) The penalties provided in this section are not cumulative and shall not prohibit the city or DeKalb County from pursuing any other civil or criminal remedies authorized by this Code, county, state, or federal law. No provision of this division shall prevent the city or DeKalb County from prosecuting the crime of theft of services to the fullest extent allowed by Georgia law.

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Secs. 25-51—25-54. - Reserved.

DIVISION 1.75. - WATER WASTE

[Sec. 25-55. - Definitions.](#)

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[Sec. 25-56. - Waste of water.](#)

[Sec. 25-57. - Economic hardships.](#)

[Secs. 25-58—25-60. - Reserved.](#)

Sec. 25-55. - Definitions.

For the purposes of [section 25-55](#) through [25-57](#), certain terms and words are hereby defined. Where words are not herein defined, but are defined in [section 1-2](#), those words shall have the meaning as defined therein. Unless otherwise defined herein, words related to construction shall be as defined in this Code and in the latest adopted applicable editions of the Georgia codes applicable to building construction adopted pursuant to state law. The following words, terms and phrases, when used in sections [25-55](#) through [25-57](#), shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Economic hardship means a cost to comply with the requirements of [section 25-56](#) that exceeds one thousand dollars (\$1,000.00)

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Sec. 25-56. - Waste of water.

It shall be unlawful for any person to allow water to be wasted by leaks, breaks, or malfunctions in any water pipe or fixture on premises owned or occupied by that person. If a person does not repair or report a leak, a break or a malfunction for any period of time beyond which the leak, break, or malfunction reasonably should have been corrected, the county may terminate water service to the premises. A period of two (2) business days after the person discovers such leak, break, or malfunction, or within two (2) business days of receiving a notice from the county of such condition, whichever comes first, shall be presumed to be a reasonable time within which the person shall correct such a condition. Notice from the city or county shall be hand delivered or posted in a conspicuous place on the premises. If the leak, break, or malfunction poses a public health, public safety, or environmental threat to the citizens of the city, the city or county may terminate water service immediately with no notice to the occupant of the premises. Water service to the premises shall not be restored until the leak, break, or malfunction is repaired, and all outstanding water bills, including the administrative fee(s) for termination and restoration of water service, have been paid to the county. Within thirty (30) calendar days after the effective date of this section, the county shall promulgate a written policy for crediting accounts for water leaks occurring before the leaks are discovered by the property owner or before the property owner receives written notification from the county. If, at any time, the county revises the written policy, the policy shall be presented to the city council for review and concurrence.

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Sec. 25-57. - Economic hardships.

Any person who can provide proof of economic hardship to the director of the department of watershed management (hereinafter referred to as "director") may petition the director, within two (2) business days after the person discovers such leak, break, or malfunction, or within two (2) business days of receiving a notice from the city or county of such condition, for additional time to repair a leak, a break, or a malfunction. Should the director grant the petition, the petitioner will receive no more than an additional fifteen (15) business days to correct the condition and, during this period, water service to the premises shall not be terminated. The petitioner shall be responsible for all costs and associated fees of

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water usage and wastage following the initial two (2) business-day period after discovery or notification until the leak, break, or malfunction is corrected.

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Secs. 25-58—25-60. - Reserved.

DIVISION 2. - EXTENSIONS OF SERVICE

[Sec. 25-61. - Planned extensions to developed areas.](#)

[Sec. 25-62. - Planned extensions to developing areas.](#)

[Sec. 25-63. - Incorporation of private systems.](#)

[Sec. 25-64. - Requests for installation of water mains on existing city roads.](#)

[Sec. 25-65. - Developer requests for extension or replacement of water mains on existing city roads.](#)

[Sec. 25-66. - Installation of water mains in residential subdivisions.](#)

[Sec. 25-67. - Installation of water mains in dedicated streets of residential, commercial, industrial developments.](#)

[Sec. 25-68. - Installation of water mains in shopping centers, certain apartment and condominium developments, developments not dedicating streets to city.](#)

[Sec. 25-69. - Purchase of materials for water system construction on private property.](#)

[Secs. 25-70—25-80. - Reserved.](#)

Sec. 25-61. - Planned extensions to developed areas.

The county may, as part of its continuing service to residents, extend water service without petition to developed areas presently obtaining service from other sources. In such cases, a property owner must tie onto the county system if service is available within three hundred (300) feet of the premises' property line after due notice from the county.

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Sec. 25-62. - Planned extensions to developing areas.

The county may, as part of its continuing service to residents, extend water service to areas planned for development or in the course of development provided that cost benefits analysis shows projected revenues or cost participation to be sufficient to warrant extension.

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Sec. 25-63. - Incorporation of private systems.

Existing water systems in apartment and condominium developments, office complexes and similar developments including subdivision water mains may be incorporated into the county water system on approval by the county. System water mains and appurtenances must meet county standards for

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materials and design. Remedial work costs to meet standards shall be borne by developers, owners or customers using or administering the system prior to conveyance.

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Sec. 25-64. - Requests for installation of water mains on existing city roads.

- (a) A request for the installation of a water main by city residents who live on existing city roads not serviced by the water system shall be presented to the county through the department on petition forms provided by the department. The petitioner shall agree to pay the service connection charge for each residence prior to installation of the new main for use when the main is complete. This purchase will not be required if the petitioner has previously purchased a meter for the address in the petition.
- (b) A maximum of one hundred (100) linear feet of water main will be installed by the county for each petitioner without charge. If additional footage is required to serve all petitioners, the petitioners shall reimburse the county for any excess footage at the per-linear-foot charge of an eight-inch line based upon the actual estimated cost of construction. This sum shall be on a pro rata basis or in a specified amount for each petitioner listed on the petition with the total of the amounts specified equaling the total reimbursable cost. Pro rata costs shall be equally divided based on the total number of petitioners rather than on the length required to cover the frontage of each petitioner.
- (c) Prior to submission of the petition, the petitioner shall be provided with cost data by the county for the total length of water main installation required. The petition shall be presented to the county at which time a preliminary design will be prepared for the water main as submitted. If a water main larger than eight (8) inches is required to conform with plans for future water service, cost data shall be prepared for both the eight-inch and larger mains and the county shall bear the difference in cost at that time.
- (d) The department shall, before placing the petition on the agenda, coordinate with the county board of health to ascertain whether any health hazards exist in the petition area that may be alleviated or corrected by the installation of the requested water main.
- (e) This information shall be presented for consideration by the board of commissioners together with the petition and estimate of cost for review and decision.
- (f) The board of commissioners may waive the provisions of this section at its discretion, particularly in those instances where the board of health has determined that a health hazard exists as a consequence of the use of private water supply systems.

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Sec. 25-65. - Developer requests for extension or replacement of water mains on existing city roads.

[Developer requests for the extension or replacement of water mains on existing county roads shall be processed as follows:]

- (1) In the event the county's plans for future water service call for a main to be installed larger than the size of the main required to supply the development, then the city or county may pay the difference in cost of the materials to install the size main required by the city or county. The comparison of material costs will be based upon the county's material cost for the larger pipe. Payment by the county will be made upon completion and satisfactory inspection of the work by the county and upon receipt of a maintenance bond equal to ten (10) percent of the cost of the construction of the water to ten (10) percent of the cost of the construction of the water facility. The developer may provide a letter of escrow or letter of credit acceptable to the county in lieu

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of the maintenance bond required in this section. An eight-inch main will be considered as the minimum size main required to supply a development of any size.

- (2) Water main design shall be accomplished by county water system engineers unless otherwise authorized by the county.
- (3) When the developer completes his work in accordance with county specifications and the work has been duly inspected by the water and sewer division of public works, the developer shall provide "as-built" drawings in accordance with [section 25-66](#)(2) and any required easements for the water main installation to the county.
- (4) After the work has been completed and inspected to the satisfaction of the county, the developer shall provide a maintenance bond equal to ten (10) percent of the costs of the construction of such facilities. The developer may provide a letter of escrow or letter of credit acceptable to the county in lieu of the maintenance bond required in this section.
- (5) The developer shall be required to maintain the water lines for a period of twelve (12) months. During this developer maintenance period, the county shall make inspections and instruct the developer by letter as to what corrections must be made, if any.
- (6) At the end of the twelve-month developer maintenance period, the county shall make a final inspection and notify the developer and the bonding company, if any, of any corrections to be made. If the work is acceptable at this time, the maintenance bond, letter of escrow or letter of credit shall be released.
- (7) If required corrections are not made within thirty (30) days of notice, the county shall have the authority to make these corrections at the expense of the bonding company. In cases where funds are being held under letter of credit or letter of escrow, the cost of making these corrections shall be drawn by the county from these funds, and the developer charged with any costs above the amount of such funds.
- (8) The county shall have full authority to inspect, test and sterilize all water mains installed under this section.
- (9) No use shall be made of such systems nor shall the county accept such systems until the developer has complied with all the requirements of this section and until satisfactory sterilization and tests have been completed by the county.
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Sec. 25-66. - Installation of water mains in residential subdivisions.

Water mains installed in residential subdivisions shall be installed subject to the following conditions:

- (1) Water mains shall be designed by the city or county.
- (2) Installation shall be accomplished by a qualified contractor and shall be in accordance with latest county specifications. Upon completion of the water line construction, an engineer, registered in the State of Georgia must provide a statement that the system, as installed, is in accordance with the approved plans and specifications.
- (3) The county shall have full authority to inspect, test and require sterilization of all water mains. No use shall be made of such systems until satisfactory sterilization and test have been completed.
- (4) If it is necessary to route the proposed water main through private property of the developer for circulation or supply purposes, the developer will provide the county with the required easements. Requests for water mains should be submitted to the public works department after the development plat has been approved by the planning department. A sepia drawing of the

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proposed development and a properly executed request form should be submitted in order that a layout and estimate of the cost may be prepared by the county. All known requirements for water to satisfy the underwriters, as well as the needs of the prospective occupants, should be stated to assist in the preparation of the layout and estimate.

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Sec. 25-67. - Installation of water mains in dedicated streets of residential, commercial, industrial developments.

- (a) Installation of water mains in dedicated streets of residential, commercial and industrial developments shall be installed under the following conditions:
 - (1) Water mains to serve the development shall be designed by the city or county.
 - (2) Installation shall be accomplished by a qualified contractor approved by the county and shall be in accordance with latest county specifications.
 - (3) The county shall have full authority to inspect, test and require sterilization of all water mains. No use shall be made of such systems until satisfactory sterilization and tests have been completed.
- (b) Installation of water mains in commercial/industrial developments in other than dedicated streets shall be in accordance with the policy concerning shopping centers and other similar developments.
- (c) Requests for water mains should be submitted to the department after the development plat has been approved by the planning department. A sepia drawing of the proposed development and properly executed request form should be submitted in order that a layout and estimate of the cost may be prepared by the county. All known requirements for water to satisfy the underwriters, as well as the needs of the prospective occupants, should be stated to assist in the preparation of the layout and estimate.

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Sec. 25-68. - Installation of water mains in shopping centers, certain apartment and condominium developments, developments not dedicating streets to city.

- (a) Shopping centers, apartment and condominium developments of R-A5 or greater density, and similar developments which do not dedicate streets to the county shall be served by a master meter. In cases where fire protection is required to be installed, an eight-inch or larger fire line main may be served through an eight-inch or larger master meter and potable water service taken from the fire line main within the development. As an alternate to this, an unmetered fire line may be installed with a separate master-metered potable water service line. Exception to the requirement for the master meter may be made when, in the opinion of the county, conditions are such that the installation of individual meters within the development would prove more feasible than serving the development by a master meter.
- (b) Installation of an eight-inch or larger water main within developments shall be subject to the following conditions:
 - (1) Design of all lines six (6) inches and larger shall be approved by the county, and all materials used in construction of the water main shall be in accordance with county specifications.
 - (2) All water main materials and labor shall be paid for by the developer, and installation shall be in accordance with county specifications and by a qualified contractor.

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- (3) The county shall have the full authority to inspect, test and require sterilization of all water mains. No use shall be made of such water mains until satisfactory sterilization and tests have been completed.

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Sec. 25-69. - Purchase of materials for water system construction on private property.

- (a) A water system constructed on private property will not be accepted for maintenance by the county unless all water line and appurtenant materials required for the installation is inspected by the county prior to construction and are found to meet the material specifications published by the water and sewer division of public works.
- (b) All water system construction on private property must be inspected by the county during construction before maintenance acceptance will be considered.
- (c) Any planned water system construction considered as private by the owner during the permitting and development review stage of plans review by the city or county will remain private unless subparagraphs (a) and (b) are complied with.

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Secs. 25-70—25-80. - Reserved.

DIVISION 3. - INITIATION, CONNECTION AND TERMINATION OF SERVICE

[Sec. 25-81. - Application for service for all classifications.](#)

[Sec. 25-82. - Application for miscellaneous services.](#)

[Sec. 25-83. - New service connections.](#)

[Sec. 25-84. - Existing connections.](#)

[Sec. 25-85. - Metering.](#)

[Sec. 25-86. - Inspection of service connections.](#)

[Sec. 25-87. - Refusal of service.](#)

[Sec. 25-88. - Customer-requested termination.](#)

[Sec. 25-89. - Termination due to violations of operating and maintenance procedure.](#)

[Sec. 25-90. - Termination due to improper usage.](#)

[Sec. 25-91. - Violations and penalties.](#)

[Sec. 25-92. - Authority to write summons.](#)

[Secs. 25-93—25-100. - Reserved.](#)

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Sec. 25-81. - Application for service for all classifications.

Persons desiring water service shall file application with the department and sign a standard contract form prior to receiving service. Application shall be made in person by customer or agent. A prospective customer will be assigned to the proper user classification. Separate application is required for each classification of service desired. A completed application in the form prescribed by the county shall be received at least ten (10) days prior to service connection availability. The use of water service binds a person as if such person had signed a contract.

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Sec. 25-82. - Application for miscellaneous services.

Written application for miscellaneous services shall be made to the department, which shall prescribe uniform procedures and guidelines for initiation of such services. Miscellaneous services shall be scheduled in the order of approved application except in cases of emergency or requirement for financial participation by the county requiring approval of the board of commissioners and/or the city council.

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Sec. 25-83. - New service connections.

Where a service line does not exist to premises, the county shall tap the water main and install a service line, including meter, meter box and service cock. Service connection shall be made only by an authorized person. No contractor, plumber or other person shall tap any water main without written permission from the county. The customer at this point shall connect the plumbing to the water system. Only one (1) service line shall be provided per application. Service cocks shall be operated only by an authorized contractor or plumber making repairs on plumbing or waterlines, or by an authorized person.

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Sec. 25-84. - Existing connections.

Where a service line exists, the county shall determine whether this service line is to be used or requires replacement. Where service line replacement is required, the application shall be charged as though it were a new service connection. Service connection shall be made as provided for a new service connection.

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Sec. 25-85. - Metering.

- (a) *Definitions.* For the purposes of this article, certain terms and words are defined. Where words have not been defined, but are defined in [section 1-2](#), those words shall have the meaning as defined therein. The following words, terms, and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Apartment means one (1) or more rooms with a private bath and kitchen facilities comprising an independent self-contained residential unit in a building(s).

Condominium for the purposes of this section is defined in the same manner as it is defined in [section 27-31](#).

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Master meter means a utility-owned meter that measures and totalizes the volume of water flowing from the water distribution system into a multifamily dwelling unit as that term is defined in [section 27-31](#), building piping system.

Newly constructed apartment means any structure for which a building permit for construction of an apartment is issued after June 1, 2008.

Newly constructed single-family dwelling or condominium means any structure for which a building permit for construction of a single-family dwelling or condominium is issued after June 1, 2008.

Separate water meter means a utility-owned meter that measures and totalizes the volume of water flowing from the water distribution system into a single family dwelling or condominium's piping system.

Single-family dwelling for the purposes of this section is defined in the same manner as it is defined in [section 27-31](#) but also includes dwelling units on an individual lot attached to another dwelling unit by a common party wall, commonly referred to as a town house or town home.

Sub-unit water meter means water meters owned and managed by the property owner with a utility-owned master meter that bills for water service based on volume of use. Sub-unit water meters shall allow for the water use in each apartment to be tracked separately.

- (b) *Meters.* All users except those classified as fire line users shall be metered. All meters shall be sized on the basis of expected volume of water usage. All meters, except sub meters, are part of the service line provided by the county and are the property of the county.
- (c) *Sub-unit water meters for newly constructed apartments.* No water shall be furnished to any newly constructed apartment except through sub-unit water meters so that the water use in each apartment can be accurately tracked. Sub-unit water meters allow tenants to know how much water they use and may encourage wiser use of water. Water service however, shall be billed by the county on a master meter basis and the property owner and/or landlord is responsible for paying the county for all charges contained in such bills. The enactment of this section in no way prevents property owners and/or landlords from using sub-unit water meters to bill each tenant for actual water usage which will encourage wiser use of water by tenants in apartments.
- (d) *Separate water meters for single family dwellings and condominiums.* No water shall be furnished to any newly constructed single-family dwelling or condominium except through separate water meters. Water service shall be billed by the county to the property owner based on individual unit water meters and each property owner is responsible for paying the county for all charges contained in such bills.

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Sec. 25-86. - Inspection of service connections.

All plumbing or yard piping connections to a service line shall be subject to inspection by an authorized person prior to service connection. Refusal to allow inspection shall result in refusal of service until inspection is permitted. Inspection may include requirement that plumbing and piping plans be submitted where, in the director's opinion, possibility of system contamination or cross-connection may result from service connection. In no case shall service connection be made until all inspection requirements are met.

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Sec. 25-87. - Refusal of service.

Water service may be refused only for the following justifications; reapplication may be made where reasons are rectified:

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- (1) *Refusal to allow entry.* Where admittance to property for necessary work or inspection is not allowed, the county may refuse service.
- (2) *Damage to system by connection.* Where in the opinion of the city or county that connection will seriously reduce system pressure and fire protection, the county may refuse service.
- (3) *Remoteness from system.* Where connection requires investment in transmission mains that would not be justified by likely revenues, the board of commissioners may refuse service or require substantial cost sharing by the customer.
- (4) *Technical infeasibility.* Where connection would require special pumps or other devices to effect service, the county may refuse service or require substantial cost sharing by the customer.
- (5) *Health hazard.* Where connection could cause contamination of the system, the county may refuse service.
- (6) *Unpaid water bills.* New connections or reconnections shall not be made until all previous financial obligations to the system have been met or resolved. This paragraph only applies to owner-occupied property.
- (7) *Fraudulent misrepresentation in application.* If water service has been approved for a location, and thereafter it is determined that the application for the water service contained false or misleading information or omitted material facts, or that the water is being used in or upon the premises for purposes not set forth in the application made for the water service, then the water shall be shut-off by the county, and shall remain shut-off by the county, until the application for water service has been corrected to the satisfaction of the director of finance or until all unauthorized use of water has ceased and any past due sums payable for the water service account have been fully paid to the county.

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Sec. 25-88. - Customer-requested termination.

A customer shall give at least ten (10) days' notice of desire to terminate service to the finance director, who will advise the customer of approximate date. However, the county is not bound to terminate on a certain date. Service turnoff shall be done only by an authorized person.

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Sec. 25-89. - Termination due to violations of operating and maintenance procedure.

- (a) If the county determines that procedures established by the county for operating and maintaining the system are being violated by a user or other person, the county will give due notice as provided herein. If such violation continues, service to the responsible person shall be terminated and penal actions as provided herein may be taken.
- (b) Assessments of all penalties shall be preceded by due notice, except in case of emergency requiring termination of service. Due notice shall be given by a certified letter, return receipt requested, mailed to the person presumed to be violating a section of this article. This notice shall set forth remedial action required of that person, giving ten (10) days' time after receipt of due notice for remedial action to be completed. If the county determines after this period that the violation continues unremedied, the director may recommend to the proper authorities that the presumed violator be cited for each day that the violation continues unresolved not including the ten-day period.
- (c) When due notice is given for purpose of access for surveys or inspection, acknowledgement and agreement to allow entry shall be made within the same ten (10) days and no offense is presumed.

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Thereafter, the city or county may issue citations by certified letter for each day of violation now presumed only after issuing a second due notice for violation as outlined above.

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Sec. 25-90. - Termination due to improper usage.

- (a) The making of improper connections to the system endangering system integrity or possibly leading to system contamination shall be cause for immediate termination of service. Restoration of service after rectification of improper connection shall be treated as a reconnection. Improper usage not determined by the county to be of emergency potential shall result in termination after due notice is given.
- (b) Assessments of all penalties shall be preceded by due notice, except in case of emergency requiring termination of service. Due notice shall be given by a certified letter, return receipt requested, mailed to the person presumed to be violating a section of this article. This notice shall set forth remedial action required of that person, giving ten (10) days' time after receipt of due notice for remedial action to be completed. If the city or county determines after this period that the violation continues unremedied, the city or county may recommend to the proper authorities that the presumed violator be cited for each day that the violation continues unresolved not including the ten-day period.
- (c) When due notice is given for purpose of access for surveys or inspection, acknowledgement and agreement to allow entry shall be made within the same ten (10) days and no offense is presumed. Thereafter, the county may issue citations by certified letter for each day of violation now presumed only after issuing a second due notice for violation as outlined above.
- (d) Any person or user of the system who has been found to be in violation of mandatory water restrictions or mandatory water conservation policies as imposed by the director shall first be issued a notice of violation. If the violation is not remedied within a specified reasonable time to be determined by the director, a summons shall be issued for the violator to appear in municipal court. If the person or user of the system continues to be in violation of mandatory water restrictions or mandatory water conservation policies thereafter, the continuing violation shall be cause for immediate termination of service. Restoration of service after rectification shall be treated as a reconnection.

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Sec. 25-91. - Violations and penalties.

- (a) Whenever the director determines that a violation of this article has occurred, the director shall serve upon the violator a notice of violation. The notice of violation shall be in writing, include a description of the property sufficient for identification of where the violation has occurred, list the provisions of this article which have been violated, and state that, if the violation is not remedied within a specified reasonable time to be determined by the director, a summons shall be issued for the violator to appear in municipal court. The notice of violation shall set forth the potential penalty involved and the fact that each day the violation continues shall constitute a new and separate violation.
- (b) If the violation has not been remedied within the time specified in the notice of violation, the director shall issue a summons to the violator to appear in municipal court. The summons shall be in writing, include a description of the property sufficient for identification of where the violation has occurred, list the provisions of this article which have been violated, set forth the penalty if the violator is convicted of the violation, and state that each day the violation continues shall constitute a new and separate violation.
- (c) Notwithstanding the foregoing, the director may issue a summons to appear in municipal court or terminate connection to the water system without first issuing a notice of violation if, in the judgment

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of the director, the violation constitutes a threat to the public health, safety, general welfare, or to the water system. Nothing in this code section shall limit the authority of the director to take any action, including emergency action to terminate connection to the water system or any other enforcement action, without first issuing a notice of violation.

- (d) Any person who shall do anything prohibited or fail to do anything required by the provisions of this article shall be guilty of a violation of this article and upon conviction in recorder's court shall be subject to the maximum fine or imprisonment or both as set forth in [section 1-10](#) of this Code. Each day of violation is considered a separate offense and is subject to the maximum fine or imprisonment or both as set forth in [section 1-10](#) of this Code.

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Sec. 25-92. - Authority to write summons.

The director may designate authorized personnel of the department to write summons to appear before a court pertaining to violations of this article.

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Secs. 25-93—25-100. - Reserved.

DIVISION 4. - RATES AND CHARGES

[Sec. 25-101. - Generally.](#)

[Sec. 25-102. - Classification of users.](#)

[Sec. 25-103. - Recurring charges.](#)

[Sec. 25-104. - Miscellaneous charges.](#)

[Sec. 25-105. - Special assessments.](#)

[Sec. 25-106. - Revenue collections.](#)

[Secs. 25-107—25-125. - Reserved.](#)

Sec. 25-101. - Generally.

- (a) All water system rates and charges shall be as established by action of the board of commissioners, a copy of which is on file in the office of the clerk of the board of commissioners, upon recommendation by the director.
- (b) Procedures for revenue collection shall be established by the finance director.

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Sec. 25-102. - Classification of users.

The following list of system users establishes classifications of service as a basis of charges:

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- (1) *Single.* All dwelling, commercial and industrial customers are in this classification who use all of the water supplied through a connection for any use besides fire protection.
- (2) *Fire line.* A customer shall only use the connection applied for under this classification for fire protection.
- (3) *Combined potable and fire line.* Any shopping center and/or other development served by a combination potable and fire line located outside the public right-of-way shall be classified as a combined potable and fire line user, where either of the following exists:
 - a. A fire line main is served through a master meter with potable water service taken from that fire line main within the development.
 - b. Potable water is taken from the fire line through multiple meters.
- (4) *Multiple.* No multiple dwelling, commercial or industrial customers shall be on one (1) meter, except in case of apartments, shopping centers and office parks, where in the judgment of the director multiple meters are impractical. Approved multiple category customers shall have one (1) meter per premises and shall be charged as single category users.
- (5) *Temporary.* Temporary use permits shall be granted for periods not exceeding thirty (30) days. After permit expiration the county may, at its option, renew the permit or assign the customer to a permanent classification. This service shall not be used for permanent installation.
- (6) *Flat rate.* Any existing flat rate customers shall be changed to single or fire line as appropriate. There shall be no unmetered or flat rate customers except as provided under temporary and fire line classifications.
- (7) *Contract.* Contract users shall include only counties and incorporated municipalities with separate water systems. The service is provided by agreement.
- (8) *Illegal.* Any user who has not made application for service and received a service connection or whose service has been terminated or who uses a connection for purposes other than as provided in the user's assigned classification is an illegal user.
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Sec. 25-103. - Recurring charges.

The following charges are set by the county and shall be billed on a recurring basis as continuing charges:

- (1) *Service.* All classifications of users except fire line shall be billed a base charge for service availability, whether service is used or not. This charge shall be fixed on the basis of meter size. For combined potable and fire line users who provide a specific means of determining the requirements of the development, such as by the installation of private meters by the owner, the service charge shall be based on the number and size of private meters installed.
- (2) *Commodity.* All classifications of users except fire line shall be billed a commodity charge in addition to a service charge on the basis of actual volume of water delivered at the single unit volume rate set by the board of commissioners.
- (3) *Fire line.* Fire line customers shall be billed for service availability on the basis of diameter of connection to system mains and number of fire hydrants on premises. If a building complex has establishments each with different owners, then the fire line charges will be prorated by the director based on square footage protected. For combined potable and fire line users:
 - a. Where fire hydrants are installed on private lines served through a master meter and/or where such lines serve building sprinkler systems, the owner will be billed for fire service availability on the basis of diameter of connection required to the system mains for fire

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protection only and on the number of hydrants. There will be no charge, however, for any hydrant which is determined by the county to be adjacent to and available to a public roadway. In addition, potable water readiness to serve charge will be based on the size line required for estimated average flow based on commodity billing as determined by the county.

- b. Where an owner elects to dedicate lines and rights-of-way outside the public road right-of-way in order to utilize multiple meters and where such lines have hydrants installed or serve building sprinkler systems, the owner will be billed for fire service availability on the basis of diameter of connection required to the system mains for fire protection only and on the number of fire hydrants. There will be no charge, however, for any hydrant which is determined by the county to be adjacent to and available to a public roadway. If a building complex has establishments each with different owners, then the fire line charges will be prorated by the county based on square footage protected.
- (4) *Contract.* Contract service is only by agreement. Billing shall be on the basis of a service charge plus metered volume of water delivered at the unit volume rate set by the county. Billing shall be at equal periods set by the county and not less than semiannually.

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Sec. 25-104. - Miscellaneous charges.

- (a) Certain noncontinuous services provided by the county water system have set charges as designated by the county. Charges shall be reviewed from time to time to assure that they cover the cost of services.
- (b) A charge shall be set by the county for installing a service line and meter based on the size of the meter. This charge shall apply to all classifications except fire line users.

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Sec. 25-105. - Special assessments.

The following charges must be ascertained by the director on a case-by-case basis reflecting exigencies involved:

- (1) *Damage.* The county shall determine charges to be assessed against any person causing damage to any part of the water system.
- (2) *Unauthorized activity.* Such actions include any connection to or tampering with the system without prior approval of the city or county. Charges assessed shall reflect the county's assessment of costs involved in inspecting such work or in taking remedial action. Additionally, persons involved shall be assessed such charges as would apply were the work preauthorized and shall be subject to other penalties.
- (3) *Replacement of improvements.* Persons engaged in work affecting or connecting to the system shall bear the total cost of replacement of any improvements or for making such improvements whole again. These include, but are not limited to, grassing, embankments, pavement and base curbing to city standards. After due notice, the city or county may elect to proceed with restorative work and charge the damaging person on a materials and force account basis.
- (4) *Service termination.* A single charge shall be set for termination of service whether initiated by the customer or by the county. Customers relocating within the system service area must terminate old service and make new application.

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- (5) *Reconnection fee.* A charge shall be set for resumption of service to a customer where termination was due to failure to pay bills. New or relocated customers using an existing service line are charged under this paragraph. All previous bills shall be paid before a service reconnection will be made. This paragraph only applies to owner-occupied property.
- (6) *Meter testing.* The county may periodically test all meters on its system. A customer may request a test to be made without charge.
- (7) *Tap fee.* A fee shall be set by the county for providing a connection for a service line or water main to an existing or new water main. Fee shall be based on diameter of service line or water main to be connected to the tap.
- (8) *Inspection and sterilization.* The county shall establish a list of charges for inspection and line sterilization which shall apply to various categories of construction, duly reflecting force and material requirements.
- (9) *Temporary use.* Temporary use charges shall be set by the county on a case-by-case basis; such fees shall be no less than the sum of appropriate recurring charges and miscellaneous charges. Such temporary uses, whether connected to mains or fire hydrants, shall be metered. Fire hydrant connections shall also be approved by the department of fire and rescue services.
- (10) *Other services.* For any services not falling within these definitions, the county may fix a charge on the basis of cost of labor and materials required.
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Sec. 25-106. - Revenue collections.

- (a) *Payment.* A meter reading of all water meters and fire line checks shall be made by the county on a regular basis. All bills are issued by and shall be paid to the finance department. Payment is due within ten (10) days of issuance and may be made by mail or in person at the address noted on the statement. Failure to receive the bill shall not relieve the customer of payment responsibility.
- (b) *Delinquent payment.* Notice of delinquent payment shall require payment within ten (10) days of the date due. Service will be terminated after that period without notice. Failure to receive a bill shall not relieve a customer of payment responsibility.
- (c) *Excess payments and refunds.* Excess payments for all customers shall be credited to the next billing unless service is terminated or written refund request is made.
- (d) *Liability of owner.* When service is terminated to a rented premises, service may be restored to the premises upon request of a party, renter or owner, who is not personally liable for or who did not personally apply for water service previously and who was previously not delinquent in payment of the water bill at these premises.
- (e) *Estimated bills.* The county may estimate bills in the case of a broken, inaccurate or inaccessible meter on the basis of previous billings, adding retroactive charges where appropriate.
- (f) *Contested charges.* A customer may make written notice of an error in charges. In such cases the customer shall make payment equal to that portion of charges uncontested or equal to previous billing, whichever is larger, by payment due date. The finance director will review contested charges and adjust the next billing as appropriate. The customer may make written request for a hearing with the director or the director's representative if the review is unsatisfactory. Payment must be made for reviewed contested charges when due. Credit shall be made if findings are reversed by the director, whose decision is final.
- (g) *Discounts.* No discounts shall be made for payments due or for large volume use. Discounts in the form of credits or refunds may be made for change in meter sizes or charged materials returned to the county in satisfactory condition.

Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL

(h) *Application fee.* Any applicant for water or sewer service shall complete an application for service, shall provide the county with identification for billing purposes, and shall pay an application fee to the county. Application fees shall be set by the county.

(i) *Reserved.*

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Secs. 25-107—25-125. - Reserved.

**ARTICLE III. - PRIVATE WATER
SYSTEMS ^[88]**

[Sec. 25-126. - Generally.](#)

[Sec. 25-127. - Approval of plans.](#)

[Sec. 25-128. - Connection to public water system.](#)

[Sec. 25-129. - No county warranty.](#)

[Secs. 25-130—25-145. - Reserved.](#)

Sec. 25-126. - Generally.

Private water systems and vendors shall be governed by all criteria in this chapter relating to water purity, protection of supply and system sanitation, and shall be licensed by the county or its designee.

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Sec. 25-127. - Approval of plans.

All plans for private water systems shall be prepared by an engineer of the county and approved by the county prior to construction. Materials of construction shall meet minimum standards set by the county for the public water system.

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Sec. 25-128. - Connection to public water system.

No connection shall be made between the county water system and a private water system except by approval of the board of commissioners. Such approved connections shall be metered and equipped with backflow prevention devices approved by the county and subject to all conditions of this chapter.

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Sec. 25-129. - No county warranty.

By its regulation of private water systems and suppliers, the city or county assumes no liability for the purity of such water or for damages caused by operators of private facilities.

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Secs. 25-130—25-145. - Reserved.

ARTICLE IV. - SEWERS AND SEWAGE DISPOSAL

DIVISION 1. - GENERALLY

DIVISION 2. - SEWER CONSTRUCTION AND ASSESSMENTS

DIVISION 3. - BUILDING SEWERS AND CONNECTIONS

DIVISION 4. - WASTEWATER DISCHARGE PERMITS

DIVISION 5. - DISCHARGE REGULATIONS

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DIVISION 7. - PHOSPHORUS CONTROL

DIVISION 1. - GENERALLY

Sec. 25-146. - Definitions.

Sec. 25-147. - Certain agreements unaffected.

Sec. 25-148. - Violations and penalties.

Sec. 25-149. - Authority to write summons.

Sec. 25-150. - Right of entry: inspection and sampling of industrial or commercial properties.

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Sec. 25-155. - Private sewage disposal facilities generally.

Sec. 25-156. - Discharge of untreated sewage or polluted waters.

Sec. 25-157. - Deposit of objectionable wastes on public or private property.

Sec. 25-158. - Nonavailability of public sanitary sewer.

Sec. 25-159. - General prohibition.

Sec. 25-160. - Severability.

Secs. 25-161—25-175. - Reserved.

Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-146. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approval authority means the Environmental Protection Division of the Georgia Department of Natural Resources, Municipal Permitting Program.

Authorized person means a regular employee of the city or county authorized to enforce the provisions of this article. Authorized representative of the user:

- (1) If the user is a corporation:
 - a. The president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate another authorized, representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the department.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at two hundred (200) centigrade, usually expressed as a concentration (e.g., mg/l).

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge of wastes from the drainage pipes within the walls of a building and conveys this discharge to the building sewer beginning ten (10) feet outside the inner face of the building.

Building sewer means the extension from the building drain to the public sanitary sewer system or other place of disposal.

Categorical Pretreatment Standard or *Categorical Standard* means any regulation containing pollutant discharge limits, promulgated by the federal EPA in accordance with Sections 307(b) and (c) of the Federal Clean Water Act (33 U.S.C. [§ 1317](#)) which apply to a specific category of users and which appear in [40](#) CFR Chapter I, Subchapter N, Parts 405—471.

Categorical user means any significant industrial user that is subject to categorical pretreatment standards.

City means the City of Brookhaven, Georgia.

City Council means the City Council of the City of Brookhaven, Georgia.

COD (chemical oxygen demand) means the amount of oxygen equivalent that the organic matter in a sample utilizes in the presence of a strong chemical oxidant (expressed in milligrams per liter).

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Combined sewer means a sewer intentionally receiving groundwaters, surface waters, and stormwaters together with sewage.

Constituents means the combination of particles or pollutants which exist in wastes.

Control manhole means a manhole on or near a user's property used for sampling purposes through which the user's discharge to the sanitary sewer passes.

Department means the public works department.

Designated area means any tract of land, parcel of land, subdivision or section of the county which, by virtue of its topography or existing sanitary sewer facilities, can be treated as a unit. The director shall be the sole judge as to the boundaries, limits, and extent of these areas, whether or not these areas abut present public roads.

Director means the public works director or any of that person's authorized representatives.

Environmental Protection Agency or Federal EPA means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division director, or other duly authorized official of said agency.

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication by the Federal EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Federal Clean Water Act.

Federal Clean Water Act or Clean Water Act shall mean the Federal Water Pollution Control Act, as amended, presently codified at [33](#) U.S.C § 1250 et seq., and all regulations adopted pursuant thereto.

Flammable means any material which is easily ignited and burns with unusual rapidity as defined by the National Fire Protection Association.

Flush toilet means the common sanitary flush commode in general use for the disposal of human excrement.

Garbage means putrescible animal and vegetable wastes resulting from the domestic and commercial preparation, cooking and disposing of food, and from the handling, storage and sale of produce, tin cans, glass containers and newspapers.

Georgia EPD or EPD means the Environmental Protection Division of the Georgia Department of Natural Resources.

Grab sample means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Indirect discharge or discharge means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Federal Clean Water Act.

Industrial wastes means the liquid wastes and solid and gaseous materials contained therein, of whatever nature, arising out of any manufacturing, processing, fabricating, treating, renovating or any other commercial operation.

Inspection fee means the amount of money charged to the contractor or plumber for each inspection.

Instantaneous maximum allowable discharge limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate or the duration of the sampling event.

Interference means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and therefore is a cause of violation of the county's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or thereunder, stringent regulations: permits issued or any more state or local Section 405 of

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the Federal Clean Water Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Lot of land means the smallest unit, owned by the same party or parties, into which any tract or parcel of land has been divided either by deed, plat or any other means of subdivision.

Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

New source means:

- (1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Federal Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does-not create a new building, structure, facility or installation meeting the criteria of section (1)b. or c. above but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program
 1. Any placement, assembly or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

Objectionable means unacceptable, unsatisfactory or displeasing to the physical senses.

Outlet means point of discharge into a watercourse, pond, ditch, lake, stream or other body of surface water or groundwater.

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Pass through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's or county's NPDES permit, including an increase in the magnitude or duration of a violation.

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state and local governmental entities.

pH means a measure of the acidity or alkalinity of a solution, expressed in standard units.

Plumbing fee means that fee paid to the county for the issuance of a plumbing permit.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

Premises means building, house, store, plant or any other place where people live, work or congregate.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment on a user other than a pretreatment standard.

Pretreatment standard or standards means prohibited discharge standards, categorical pretreatment standards and local limits.

Priority pollutant means any contaminant in water which is identified as being toxic, carcinogenic, mutagenic, teratogenic or is chemically similar to compounds identified as such, by the Federal Environmental Protection Agency. The list includes one hundred twenty-nine (129) compounds and such other compounds as may be added from time to time, less any compound which may be deleted by the Federal Environmental Protection Agency.

Prohibited discharge standards or prohibited discharges means the absolute prohibitions against the discharge of certain substances.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of foods, which have been cut in such a way that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle larger than one-half ($\frac{1}{2}$) inch in any dimension.

Publicly owned treatment works or POTW means a "treatment works", as defined by Section 212 of the Federal Clean Water Act (33 U.S.C. [§ 1292](#)) which is owned by the county. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Public sewer means a common sanitary sewer directly controlled by the city or county and approved by the city or county for use as a sanitary sewer.

Sanitary sewer means a pipe which carries sewage and by design excludes groundwaters, surface waters and stormwaters.

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Septic tank means a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with the following:

- (1) A sewer line constructed with unperforated pipe, with sealed joints, connecting the impervious tank with a plumbing stub-out.
- (2) A subsurface drainage field system consisting of piping and other materials producing drainage of the clarified discharge from the tank while distributing it underground to be filtered or absorbed.

Sewage means the water-carried wastes, including human excrement and grey water (household showers, dishwashing operations, etc.) from residences, business buildings and institutions.

Sewer means an artificial, usually subterranean, conduit to carry off sewage.

Sewer system and *sewerage* means all facilities for collecting, pumping, treating, transporting and disposing of sewage.

Sewer tap fee or *tap fee* means the service charge for making a connection to the sewer system.

Significant industrial user means:

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - a. Discharges an average of one hundred thousand (100,000) gallons per work month or twenty-five thousand (25,000) gallons per day of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the county on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the county may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in [40 CFR 403.8\(f\)\(6\)](#), determine that such user should not be considered a significant industrial user.

Slug load or *slug* means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards of this ordinance; or, any discharge in which the concentration of any given constituent exceeds, for any period longer than fifteen (15) minutes, five (5) times the average twenty-four-hour concentration of that constituent during normal operations.

Storm drain or *storm sewer* means a sewer which carries stormwaters and surface waters and drainage, excluding sewage and industrial wastes.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

Subdivision means any tract of land divided, planned or developed as a subdevelopment with two (2) or more residences, buildings or building sites.

Suspended solids means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

Tap fee or *sewer tap fee* means the service charge for making a connection to the sewer system.

Unsanitary means unclean, unhealthy or harmful to the public health.

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User or industrial user means a source of indirect discharge.

Wastewater means the liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater discharge permit means a permit in the form prescribed by the city or county, which establishes the wastewater characteristics which a significant industrial user may contribute or cause to be contributed to the sewer system.

Wastewater treatment plant or treatment plant means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

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Sec. 25-147. - Certain agreements unaffected.

Nothing in this Code or the ordinance adopting this Code affects the validity of:

- (1) The Standards of Acceptability for Sewage Discharged into the Metropolitan Sewer System being annex C to the Metropolitan Sewer Agreement between the City of Atlanta and DeKalb County, dated July 16, 1968.
- (2) The Sewer Agreement between DeKalb County and Gwinnett County, dated May, 1971.
- (3) The DeKalb-Clayton Conley Creek Drainage Area Sewer Agreement, dated November 13, 1973.

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Sec. 25-148. - Violations and penalties.

- (a) Whenever the director determines that a violation of this article has occurred, the director shall serve upon the violator a notice of violation. The notice of violation shall be in writing, include a description of the property sufficient for identification of where the violation has occurred, list the provisions of this article which have been violated, and state that, if the violation is not remedied within a specified reasonable time to be determined by the director, a summons shall be issued for the violator to appear in municipal court. The notice of violation shall set forth the potential penalty involved and the fact that each day the violation continues shall constitute a new and separate violation.
- (b) Notwithstanding the foregoing, the director may issue a summons to appear in municipal court without first issuing a notice of violation if, in the judgment of the director, the violation constitutes a threat to the public health, safety, general welfare, or to the sewer system.
- (c) If the violation has not been remedied within the time specified in the notice of violation, the director shall issue a summons to the violator to appear in municipal court. The summons shall be in writing, include a description of the property sufficient for identification of where the violation has occurred, list the provisions of this article which have been violated, set forth the penalty if the violator is convicted of the violation, and state that each day the violation continues shall constitute a new and separate violation.
- (d) Nothing in this code section shall limit the authority of the director to take any action, including emergency action or any other enforcement action, without first issuing a notice of violation.
- (e) Any person who shall do anything prohibited or fail to do anything required by the provisions of this article shall be guilty of a violation of this article and upon conviction in recorder's court shall be subject to the maximum fine or imprisonment or both as set forth in [section 1-10](#) of this Code. Each

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day of violation is considered a separate offense and is subject to the maximum fine or imprisonment or both as set forth in [section 1-10](#) of this Code.

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Sec. 25-149. - Authority to write summons.

The director may designate authorized personnel of the department to write summons to appear before a court to answer questions pertaining to violations of this article.

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Sec. 25-150. - Right of entry: inspection and sampling of industrial or commercial properties.

The director and other employees designated by the director, bearing proper credentials and identification, shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the director or his designees ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.

- (1) Where the user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director or his designees will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The director or his designees shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operation.
- (3) The director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director or his designees and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (5) Unreasonable delays in allowing the director or his designees access to the user's premises shall be a violation of this ordinance.
- (6) If the director or his designees has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as a part of a routine inspection and sampling program of the city or county designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director may seek issuance of an inspection warrant through the municipal court or other court of competent jurisdiction.

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Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-151. - Right of entry to inspect private properties.

The director and the director's designated agents, bearing proper credentials and identification, shall be permitted to enter during reasonable working hours, except in the event of an emergency, all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, measurement, maintenance, observation, repair and sampling any portion of the sewage system lying within the easement. All entry and subsequent work on the easement shall be done in full accordance with the terms of the specific easement pertaining to the property involved. Specific permission is granted the director and the director's designated agents, upon proper notification, to enter all private properties for the purpose of surveying or inspecting the premises, or sampling or monitoring of wastewater. While working on private properties referred to in this section, all city or county employees shall observe all safety rules applicable to the premises. The owner of the private properties shall not be held liable for injury to city or county employees while on the owner's properties.

The city or county and its authorized agents and employees may enter upon any lands in the city for the purpose of making such surveys, soundings, drillings, and examinations as the county may deem necessary or desirable to accomplish the purposes of planning and engineering sewer system improvements; and such entry shall not be deemed a trespass nor shall it be deemed an entry which would constitute a taking in a condemnation proceeding, providing that reasonable notice of such entry shall be done in a reasonable manner with as little inconvenience as possible to the owner or occupant of the property, and the city or county shall make reimbursement for any actual damages resulting from such entry.

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Sec. 25-152. - Inspection warrants.

The director, in addition to other procedures provided, may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of this article, compliance with the terms of any permit, or observation, measurement, sampling or testing with respect to any federal or state regulation, and periodic investigations in accordance with the provisions of this article.

- (1) Inspection warrants may be issued by a court of competent jurisdiction when the issuing judge is satisfied that the director has established by oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection that includes the property or that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.
- (2) An inspection warrant will be validly issued only if it meets the following requirements:
 - a. The warrant is attached to the affidavit required to be made in order to obtain the warrant.
 - b. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property can reasonably determine from it the property for which the warrant authorizes an inspection.
 - c. The warrant indicates the conditions, objects, activities or circumstances which the inspection is intended to check or reveal.
 - d. The warrant refers, in general terms, to the Code provisions sought to be enforced.

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Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-153. - Discontinuance of water service for nonpayment of sewer bill.

- (a) This section only applies to owner-occupied property. The policy of discontinuing the furnishing of water at any meter service where there is a delinquent sewer bill after the occupant of the premises has been notified of the delinquency and has failed to remove the delinquency by payment of the bill is continued in full force and effect.
- (b) Where there remains a delinquent sewer bill at any meter service after the occupant of the premises thereof has been notified by the inclusion of the amount of the past due bill in a current water bill or a separate bill and given an opportunity to pay the bill and refuses to promptly pay it, water service to this meter service shall be discontinued regardless of whether the bill remaining delinquent was incurred by a prior owner or occupant of the premises, and the county shall not again supply water to this building, place or premises until the arrears are fully paid.
- (c) Upon the failure or refusal of the owner or occupant to pay the delinquent sewer bill, the department shall remove the meter serving the premises, and service shall not be restored to the premises until a fee for installation of a new meter has been paid in advance. Such fee shall be a fee in the amount established by action of the county, a copy of which is on file in the office of the clerk of the board of commissioners.

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Sec. 25-154. - Mandatory connections to public sanitary sewer.

- (a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation and other such purposes, located within the jurisdiction of the board of commissioners and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer, is required to install, at the owner's expense, suitable toilet facilities, and to connect such facilities directly to the public sanitary sewer. In accordance with the provisions of this article, the owner has twenty-four (24) months after the date of official notice to accomplish this, provided that the public sanitary sewer is within one hundred (100) feet of the property line.
- (b) Exceptions to the provisions of subsection (a) of this section may be granted by the city or county upon application.

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Sec. 25-155. - Private sewage disposal facilities generally.

Except as specifically permitted by this article or by the board of health, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other similar facility intended or used for the disposal of sewage.

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Sec. 25-156. - Discharge of untreated sewage or polluted waters.

It shall be unlawful to discharge to any outlet or to any portion of the public storm drain system, or to any natural stream within the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this article. Nothing in this section shall be construed to require the county to treat the outflow from the public storm drain system.

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Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-157. - Deposit of objectionable wastes on public or private property.

It shall be unlawful for any person to place, deposit or permit the deposit of, in any unsanitary manner, human or animal excrement, garbage or objectionable wastes on any public or private property within the jurisdiction of the city.

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Sec. 25-158. - Nonavailability of public sanitary sewer.

Where a public sanitary sewer is not available, the building sewer shall be connected to another means of sewage disposal. The private sewage disposal system must comply with all applicable regulations of the department, the county board of health, and the Georgia Department of Human Resources. Unless specific exceptions are made, a private sewage disposal facility in the city shall consist of an approved septic tank.

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Sec. 25-159. - General prohibition.

It shall be a violation of this article for any person to maliciously or negligently break, damage, destroy, deface or tamper with any part of the sewer system.

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Sec. 25-160. - Severability.

If any term, requirement or provision of this division or application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this division or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this division shall be valid and be enforced to the fullest extent permitted by law.

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Secs. 25-161—25-175. - Reserved.

DIVISION 2. - SEWER CONSTRUCTION AND ASSESSMENTS ^[90]

[Sec. 25-176. - Compliance with agreements.](#)

[Sec. 25-177. - Sanitary sewer main extensions.](#)

[Sec. 25-178. - Submission of petition.](#)

[Sec. 25-179. - Public hearing; public notices.](#)

[Sec. 25-180. - Notification to abutting property owners of public hearing.](#)

[Sec. 25-181. - Conduct of hearing.](#)

[Sec. 25-182. - Procedure after plans and specifications received.](#)

[Sec. 25-183. - Performance of construction.](#)

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[Sec. 25-184. - Assessments generally.](#)

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Sec. 25-176. - Compliance with agreements.

The operation of the sanitary sewer system shall remain in compliance with all sanitary sewer usage agreements between the county and other county and municipal governments and agencies.

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Sec. 25-177. - Sanitary sewer main extensions.

- (a) The county sanitary sewer main extension policy shall apply to the extension or replacement of existing sanitary sewer mains on existing county roads or other dedicated rights-of-way to serve new developments. A developer may request the application of this policy if a project site is not adjacent to an existing main or the existing main is inadequate to serve the proposed development.
- (b) The developer may apply for preapproval of the sewer main extension application with the understanding that such reimbursement shall be made only after the developer has complied with all the requirements of this section. Conversely, the developer may apply for reimbursement after complying with all the requirements of this section and such reimbursement shall be made on approved applications if funds are available for that purpose. Approval of all application requests shall be within the sole discretion of the county.
- (c) Sanitary sewer mains approved and installed under this section shall be subject to the following conditions:
 - (1) All materials shall meet the specifications of the water and sewer division of public works.
 - (2) A sanitary sewer main design shall be prepared by and furnished to the county by a registered professional engineer licensed by the state.
 - (3) The developer shall contract for the installation of the sewer lines and shall furnish the city and county a copy of the contract. When the work has been completed according to the county specifications and duly inspected by the city or county, the developer shall provide "as-built" drawings and any required easements of the sewer main installation to the county. As-built drawings shall be completed under the direction of an engineer/land surveyor licensed in the State of Georgia and sealed.

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- (4) After the work has been completed and inspected to the satisfaction of the city or county, the developer shall provide a maintenance bond equal to ten (10) percent of the costs of the construction of such facilities. The developer may provide a letter of escrow or letter of credit acceptable to the county in lieu of the maintenance bond required in this section.
- (5) After receiving the maintenance bond, letter of escrow or letter of credit, the county shall reimburse the developer a sum equivalent to fifty (50) percent of the cost of the sewer main materials required to supply the proposed development. An eight-inch main will be considered as the minimum size main required to supply a development of any size. In the event the county's plans for future sewer service call for a sewer main to be installed larger than the size of the main required to supply the development, then the county may:
 - a. If the size of sewer main planned by the county is fifteen-inch or smaller, pay the difference in cost of the materials to install the size main required by the county plans.
 - b. If the size of sewer main planned by the county is greater than fifteen-inch, pay the difference in both the cost of labor and materials to install the size main required by county plans.
- (6) The developer shall be required to maintain the sanitary sewer lines for a period of twelve (12) months. During this developer maintenance period, the county shall make inspections and instruct the developer by letter as to what corrections must be made, if any.
- (7) At the end of the twelve-month developer maintenance period, the county shall make a final inspection and notify the developer and the bonding company, if any, of any corrections to be made. If the work is acceptable at this time, the maintenance bond, letter of escrow or letter of credit shall be released.
- (8) If required corrections are not made within thirty (30) days of notice, the county shall have the authority to make these corrections at the expense of the bonding company. In cases where funds are being held under letter of credit or letter of escrow, the cost of making these corrections shall be drawn by the city or county from these funds, and the developer charged with any costs above the amount of such funds.
- (9) The county shall have the full authority to inspect and test all sanitary sewer mains installed under this section.
- (10) No use shall be made of such systems nor shall the county accept such systems until the developer has complied with all the requirements of this section and until satisfactory tests and inspections have been completed by the county.
- (11) In calculating county participation for material costs, the maximum material costs considered will be the county's contract price for like material.
- (d) Private sanitary sewer extensions will not be accepted for maintenance by the county unless materials used for installation are inspected and approved by the county prior to construction and are found to meet county specifications and unless the installation was inspected by the city or county during construction.
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Sec. 25-178. - Submission of petition.

- (a) Whenever the owners, as listed on the latest ad valorem tax digest, of fifty-one (51) percent or more of the property within any designated area petition the city and county for sewer facilities, and this action requires the laying of a lateral sewer, the petition shall be filed with the department. The petition shall be examined to see if the signatures are valid and if it sufficiently describes the services required. Then the county shall initiate a preliminary engineering survey to make sure that the proper

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designated area is described. Cost for construction and engineering services are also estimated at this time. The petition is then advertised and a public hearing is held before the board of commissioners. If the board of commissioners approves the petition, construction will be programmed.

- (b) All assessments against property and the owners thereof for the construction of sewers shall be liens upon the property from the date of adoption of the resolution authorizing the construction of the sewer lines.

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Sec. 25-179. - Public hearing; public notices.

- (a) When a petition for the construction of a sanitary sewer line has been filed on behalf of a person or when a recommendation for construction has been made by the head of any board or department of the county, then a public hearing must be held before the board of commissioners. The department shall notify the board of commissioners of the impending petition. The department shall then give notice to all persons concerned by publication of a notice in the newspaper where sheriff's notices are published for a period of at least twenty (20) days prior to the hearing. The notice shall state the date and location of the proposed public hearing and shall give a general description of the proposed sanitary sewer construction.
- (b) All owners of property abutting the proposed sanitary sewer line who shall be assessed for the cost of construction shall be notified in writing by the county at least twenty (20) days prior to the hearing. The county shall comply with the intent of this section by addressing all notices to the owners listed on the latest ad valorem tax digest of the county at the addresses indicated.

(Code 1976, § 6-2095)

Sec. 25-180. - Notification to abutting property owners of public hearing.

In addition to the published notice of a public hearing on a petition for sanitary sewer construction, all owners of property abutting the proposed sanitary sewer line who shall be assessed for the cost of construction shall be notified in writing by the department at least twenty (20) days prior to the hearing. The county shall comply with the intent of this section by addressing all notices to the owners listed on the latest ad valorem tax digest of the county at the addresses indicated. The records of the county showing evidence of the mailing of the notices shall be prima facie evidence, and failure of the owner of any property concerned to receive a notice shall in no way affect the validity of the proceedings or the assessment. The purpose of this written notice is to furnish the owner with an additional statement of the public hearing.

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Sec. 25-181. - Conduct of hearing.

At the hearing provided for in this division, any person whose property or interests are affected by the proposed sanitary sewer may appear before the board of commissioners either in person or through an agent or attorney. All evidence relevant to the question, whether in support or in objection, may be presented. The decision of the board of commissioners with respect to the approval or rejection of the proposed sanitary sewer shall be final and conclusive. Any decision by the board of commissioners in favor of the construction shall indicate a public need for the sanitary sewer, and this shall make all matters pertaining to the construction of the sanitary sewer and the assessment of costs against the abutting property owners legal and binding.

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Sec. 25-182. - Procedure after plans and specifications received.

When the county has received plans, specifications and necessary engineering data, it shall determine the names of all property owners affected and procure the necessary right-of-way for construction of the sanitary sewer line as specified. Before final approval of any plans, the county must also ensure that sufficient stub-out connections are designated to adequately serve the territory affected.

(Code 1976, § 6-2098)

Sec. 25-183. - Performance of construction.

All sanitary sewers shall be constructed by the county or by such contractors as the board of commissioners may designate from time to time. All sanitary sewer construction performed by a private contractor shall be guaranteed against defects in contractor-supplied material and workmanship for a minimum period of one (1) year from the final inspection date. Construction shall be under the supervision of the county.

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Sec. 25-184. - Assessments generally.

- (a) After the construction of a sanitary sewer line has been completed, the department shall make up an assessment roll properly describing the sanitary sewer line and containing the names of all owners of abutting property. Each owner's property abutting the sanitary sewer shall be correctly described as it pertains to the construction. The cost of the sanitary sewer shall then be shared among the various property owners on a prorated basis depending on the number of linear feet each has abutting the sanitary sewer line. The actual assessment shall be calculated using a value in dollars and cents per linear foot based on the average cost for construction of all petitioned sanitary sewer lines in the county the previous year. Assessment rates shall be approved by the county on an annual basis.
- (b) The minimum assessment shall be for sixty-five (65) feet, whether or not a sanitary sewer line has to extend that distance to service a property or not.

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Sec. 25-185. - Assessment computations; double-frontage lots, owners previously assessed, residences not totally served by gravity sewer.

- (a) Whenever a tract of land abuts a sanitary sewer line on both the front and the rear, and the tract of land cannot be subdivided into two (2) or more separate lots fronting each of the abutting sewers, then the property shall be assessed only for the side with the greater frontage.
- (b) Several considerations shall be made before determining whether or not a tract of land can be subdivided. If the topography of the land makes it impractical to construct a building on one (1) of the lots, or to provide sanitary sewer service to one (1) of the lots, then the tract of land is not suitable for subdivision.
- (c) Property owners who have contributed to the cost of existing sanitary sewers, whether by private contract, the original subdivisions or previous county assessment, shall be exempted from current assessment. However, if property owners or previous owners did not contribute to the construction cost of existing sanitary sewers, they shall be assessed in the same manner as any other abutting property owner.

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- (d) When all floor levels of a residential unit are not served by the sewer by gravity, then the property will be assessed a percentage of the total assessment equal to a percentage of the total number of fixtures in a house or building that are actually served by the sewer main by gravity.

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Sec. 25-186. - Assessment of corner property.

Corner property shall be assessed under this division in the following manner:

- (1) Where the sanitary sewer abuts the property only on the front, the property shall be assessed for the amount of frontage.
- (2) Where the sanitary sewer abuts the property on both the front and side, the property shall be assessed for the frontage; the first one hundred fifty (150) feet of the side abutting shall be exempted from assessment; the next one hundred (100) feet of the side abutting shall be subject to assessment; and the remainder of the side abutting beyond two hundred fifty (250) feet shall be treated as outfall sewer and not assessed.
- (3) Where the sanitary sewer abuts the property on the side only, the property shall be assessed for the frontage; the first one hundred fifty (150) feet abutting on the sides shall be exempted; the next one hundred (100) feet of the sides abutting shall be subject to assessment; and the remainder of the side abutting beyond two hundred fifty (250) feet shall be treated as outfall sewer and not assessed.
- (4) Where the sanitary sewer abuts property that is pie-shaped or has an unusual frontage and that frontage is greater than the largest normal-shaped and assessed property, the property will be assessed for the same number of front feet as the largest, normal-shaped assessable property in the petitioned area. The county shall have the responsibility for determining what properties are to be considered pie-shaped or unusual.

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Sec. 25-187. - Outfall sewers.

- (a) In this section, "outfall sewer" means a section of sanitary sewer line, either in a public street or across private property, which normally does not provide direct service to the abutting property. Usually the outfall sewer is a section of a trunk sewer providing service to several street sanitary sewers serving properties and its cost is not included in the assessment rate. However, when an outfall does provide direct service to the abutting property, the cost of constructing the outfall shall be assessed against the abutting property owners.
- (b) Property owners desiring connection to outfall sewers may do so with concurrence of the director and shall pay an assessment based on the current year linear foot rate prior to their obtaining a sewer connection permit.
- (c) Exceptions to the provisions of this section may be granted by the department upon application.

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Sec. 25-188. - Payment of assessments.

Whenever a sanitary sewer line has been constructed in accordance with this division and the cost thereof has been assessed against the benefiting property, then the respective owners shall be notified of the assessment and they shall be required to pay in cash, within sixty (60) days, to the finance department, the amount of the assessment. If the amount of the assessment causes a financial burden

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on the owner, then the owner may extend the assessment and pay it in annual installments. However, no less than one-fifth of the total assessment shall be paid within sixty (60) days after notification.

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Sec. 25-189. - Extension of payments.

If the property owner requires an extension in the payment of an assessment under this division, then the owner must execute in writing an extension agreement with the county stating that the owner shall pay a twenty-percent down payment and, in a maximum of four (4) equal annual installments, the amount of the assessment, less the cash down payment put forth on the due date. The extension agreement must be executed on or before the due date of the assessment. In the agreement, the owner must acknowledge the fact that throughout, the extension remains legal and valid, and all liens remain in force. The unpaid portion of the assessment shall bear interest at a rate specified by [the Code](#). Interest charges shall be assessed from the due date and shall be included in the installments. The agreement shall be negotiable in form, and the county shall reserve the right to transfer or assign it to third parties. If ever the owner defaults in the payment of any installment, then the entire assessment shall immediately become due and payable.

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Sec. 25-190. - Executions for failure to pay.

Should the owner of any property against which a sanitary sewer assessment has been levied fail to execute a payment extension agreement as provided in this article, or fail to pay the assessment in cash within sixty (60) days, or fail to pay the remainder of the assessment after default on extension, then an execution shall be issued in rem against the property and in personam against the owner in the name of the board of commissioners. The execution shall be recorded on the general execution docket in the office of the clerk of the superior court and shall include sums to cover principal, interest and administrative costs. All adjoining property owned by the same party or parties shall be covered in the execution.

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Sec. 25-191. - Assessments to be liens.

All assessments against property and the owners thereof for sanitary sewer construction shall be liens upon the property from the date the county adopts the resolution authorizing construction. All assessments shall be posted in an improvement docket and kept on file in the finance department. Properties assessed shall be described in the docket in a manner sufficient to identify them with the section of the sanitary sewer they abut.

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Sec. 25-192. - Assessments after previous exemptions.

- (a) The department may grant property abutting sanitary sewer lines an exemption from assessment. Often this occurs when the county, by negotiating an easement, uses private property in the laying of a sanitary sewer line. Property thus exempted can be connected to the sewerage system at any future date without being liable for assessment.
- (b) If, however, the property was exempted for another reason, such as the elevation of the property, and it is improved at a later date to a condition whereby sanitary sewer service can be attained and

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is required, then, if this occurs within twenty-five (25) years after the completion of the sanitary sewer, the property is subject to assessment under the provisions of this division. If the improvement occurs more than twenty-five (25) years after construction, the property may not be assessed.

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Sec. 25-193. - Service connections.

- (a) After sanitary sewer lines have been constructed and tied into the county sewerage system, each abutting property owner who has contributed to the costs of construction through assessment may desire a service connection. To make such a connection, the property owner shall hire, at the owner's expense, a plumber or contractor to lay pipe from the building drain to the stub-out provided. Before this service line can be connected to the sanitary sewer, the owner shall secure a permit from the county by paying a plumbing fee and a sewer tap fee. If the service line then passes the inspection criteria of the county, the owner may have it connected into the sewerage system.
- (b) When no stub-out or other means of connection is provided so as to service the building drain, it shall be the responsibility of the county to provide a stub-out for the property owner at no cost if the property owners, present or past, have contributed to the cost of the existing sewer either by the original subdivision or by county assessment.
- (c) When a property owner desires connection to the sewerage system after construction of the sanitary sewer line, and no owner of the property has contributed to the costs of constructing the sanitary sewer line, the owner must pay a proportionate cost of construction based on the current year linear foot rate prior to obtaining a sewer connection permit.

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Secs. 25-194—25-210. - Reserved.

DIVISION 3. - BUILDING SEWERS AND CONNECTIONS

[Sec. 25-211. - Applications for building sewer permits.](#)

[Sec. 25-212. - Separate building sewer for each building.](#)

[Sec. 25-213. - Old building sewers in new buildings.](#)

[Sec. 25-214. - Location of building sewer and building drain.](#)

[Sec. 25-215. - Owner to bear installation, connection costs.](#)

[Sec. 25-216. - Conformity to county specifications.](#)

[Sec. 25-217. - Connection of building sewer into public sewer.](#)

[Sec. 25-218. - Connection of surface runoff and groundwater sources to public sewer.](#)

[Sec. 25-219. - Connecting to public sewer without paying fees or obtaining permit.](#)

[Sec. 25-220. - Maintenance and repair responsibility for building sewer service connections to public sanitary sewer system.](#)

[Secs. 25-221—25-230. - Reserved.](#)

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Sec. 25-211. - Applications for building sewer permits.

Applications for building sewer permits shall be supplemented by plans, specifications and other information considered pertinent to the issuance of a permit. At the time the application is filed, a plumbing and inspection fee in an amount established by action of the board of commissioners, a copy of which is on file in the office of the clerk of the board of commissioners, shall be paid to the county. Installations and their respective tapping fees, as set by the board, shall be placed in one (1) of two (2) categories, residential or nonresidential. Proposed nonresidential discharges which meet the definition of significant industrial user shall also obtain a wastewater discharge permit as described in division 4 of this article. Nonresidential development has the option of requesting a recalculation of the tap fee based on actual water consumption after the first year of occupancy in a new building.

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Sec. 25-212. - Separate building sewer for each building.

A separate and independent building sewer shall be provided for every building. An exception is made where one (1) building stands at the rear of another on an interior lot and no private sanitary sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway; then, the building sewer from the front building may be extended to the rear building and the whole system considered one (1) building sewer.

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Sec. 25-213. - Old building sewers in new buildings.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the county, to meet all requirements of this article.

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Sec. 25-214. - Location of building sewer and building drain.

Unless otherwise authorized in writing by the department, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which a building drain is too low to permit gravity flow to the public sanitary sewer, sewage carried by this drain shall be lifted by an approved sewage ejector to a height to permit gravity flow. All sewage ejector installations shall be approved by the county.

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Sec. 25-215. - Owner to bear installation, connection costs.

The owner shall bear all costs and expenses incident to the installation and connection of the building sewer. The owner shall compensate the city and/or county for any loss or damage that may have occurred to the public sanitary sewer as a result of the installation of the building sewer.

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Sec. 25-216. - Conformity to city and county specifications.

The size, slope, alignment and materials used in constructing a building sewer; the methods used in excavating, placing of the pipe, and backfilling of the trench; and the testing of the pipe shall all conform to the specifications, guidelines and other applicable rules of the city and county.

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Sec. 25-217. - Connection of building sewer into public sewer.

- (a) The connection of the building sewer into the public sanitary sewer shall conform to the requirements and regulations of the county. All connections shall be made gastight and watertight. Any deviation from specified procedures must be approved in writing by the department before installation.
- (b) An applicant for a building sewer permit shall notify the department when the building sewer is ready for inspection and connection to the public sanitary sewer. Service shall not be instituted until the plumbing fee and sewer tap fee are paid and the connection is approved. Excavations necessary for the accomplishment of the connection shall be adequately guarded with barricades and lights, so as to protect the public from hazard. All excavations greater than five (5) feet deep shall be covered when excavation is not being conducted. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored at the owner's expense, in compliance with county specifications.

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Sec. 25-218. - Connection of surface runoff and groundwater sources to public sewer.

Connection, directly or indirectly, of roof downspouts, exterior foundation drains, area drains or other sources of surface runoff is not permitted to a building drain or building sewer connected to a public sanitary sewer. Existing connections of these items to a building sewer shall be disconnected when the building sewer is connected to the public sanitary sewer system.

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Sec. 25-219. - Connecting to public sewer without paying fees or obtaining permit.

It is unlawful to connect to the public sanitary sewer without payment of the prescribed fee and without a permit. If such a sewer connection is made, a current sewer tap fee, the fee at the time the connection was discovered, will be assessed; back sewer use charges will be made and interest at the rate specified in [the Code](#) will be charged.

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Sec. 25-220. - Maintenance and repair responsibility for building sewer service connections to public sanitary sewer system.

The property owner shall be responsible for maintenance and repair of building sewer service connections to the public sanitary sewer system on private property. DeKalb County shall be responsible for maintenance and repair of building sewer service connections within city street rights-of-way and sanitary sewer easements.

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Secs. 25-221—25-230. - Reserved.

DIVISION 4. - WASTEWATER DISCHARGE PERMITS

[Sec. 25-231. - Wastewater discharge permit required.](#)

[Sec. 25-232. - Application.](#)

[Sec. 25-233. - Compliance with all applicable regulations.](#)

[Sec. 25-234. - Permit contents.](#)

[Sec. 25-235. - Expiration and renewal.](#)

[Sec. 25-236. - Reporting requirements.](#)

[Sec. 25-237. - Signatories and certification.](#)

[Sec. 25-238. - Record keeping.](#)

[Sec. 25-239. - Appeals.](#)

[Sec. 25-240. - Public participation and access to records.](#)

[Sec. 25-241. - Federal limits supersede local limits.](#)

[Sec. 25-242. - Significant noncompliance.](#)

[Sec. 25-243. - Penalties and enforcement.](#)

[Sec. 25-244. - Permit revocation.](#)

[Sec. 25-245. - Permit modification.](#)

[Sec. 25-246. - Affirmative defenses to discharge violations.](#)

[Secs. 25-247—25-250. - Reserved.](#)

Sec. 25-231. - Wastewater discharge permit required.

All significant industrial users connected to, proposing to connect to or otherwise contributing to the POTW shall obtain a wastewater discharge permit. Proposed new significant users shall apply at least ninety (90) days prior to connection to the sewer system and shall obtain such permit prior to contributing to the system.

- (1) The director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this division.
- (2) The director may deny permission to discharge or condition discharges from new, increased or significantly changed contributions from any industrial user, significant or otherwise, located within the county or in outside jurisdictions discharging to the county's POTW.
- (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in this division. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements, or with any other requirements of federal, state and local law.

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Sec. 25-232. - Application.

Users required to obtain a wastewater discharge permit shall complete and file with the department an application in the form prescribed and furnished by the county and accompanied by a fee in the amount established by action of the county, a copy of which is on file in the office of the clerk of the board of commissioners.

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Sec. 25-233. - Compliance with all applicable regulations.

Wastewater discharge permits shall be subject to all provisions of this article and all other applicable regulations, user charges and fees established by the county.

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Sec. 25-234. - Permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

(1) Wastewater discharge permits must contain:

- a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed three (3) years;
- b. A statement that the wastewater discharge permit is nontransferable, except as defined in [section 25-235](#) of this division;
- c. Effluent limits based on applicable pretreatment standards;
- d. Self monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state or local law;
- e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

(2) Wastewater discharge permits may contain, but need not be limited to, the following:

- a. Limits on the rate of discharge, time of discharge and/or requirements for flow regulation and equalization;
- b. Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
- c. Requirements for the development and implementation of accidental discharge/slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges;
- d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

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- e. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- f. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- g. Other conditions as deemed appropriate by the director to ensure compliance with this ordinance and state and federal laws, rules and regulations.

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Sec. 25-235. - Expiration and renewal.

Wastewater discharge permits shall be issued for a specified time period, not to exceed three (3) years. The user shall apply for permit reissuance a minimum of one hundred twenty (120) days prior to the expiration of the user's existing permit. If no new local, state or federal pretreatment requirements are impending on the user and the user has had no violation of the existing permit, the county shall renew the permit for a time period at least equal to the existing permit. All other expiring permits shall be reviewed and revised or renewed as determined by the director. Should a timely applied for permit expire before issuance of a new permit by the county, the existing permit shall continue in force until the new permit is issued by the county.

Discharge permits are issued to a specific user for a specific operation and normally are not transferable to any succeeding user or the current user for a new operation. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

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Sec. 25-236. - Reporting requirements.

(a) *Baseline monitoring reports.*

- (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under [40 CFR 403.6\(a\)\(4\)](#), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph b., below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information in paragraph b., below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (2) Users described above shall submit the following information:

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- a. *Identifying information.* The name and address of the facility including the name of the operator and owner.
 - b. *Environmental permits.* A list of any environmental control permits held by or for the facility.
 - c. *Description of operations.* Brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by the user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated process.
 - d. *Flow measurement.* The measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams.
 - e. *Measurement of pollutants.*
 1. The categorical pretreatment standards applicable to each regulated process.
 2. The results of sampling and analyses identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in [section 25-261](#) of this division.
 3. Sampling must be performed in accordance with procedures set out in [section 25-261](#) of this division.
 - f. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - g. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional treatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
 - h. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with [section 25-237](#) of this division.
- (b) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by [section 25-236](#)(1)(b)(7):
- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards;
 - (2) No increment referred to above shall exceed nine (9) months;
 - (3) The user shall submit a progress report to the director no later than fourteen (14) days following each date in the compliance schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule.
 - (4) All compliance schedule progress reports must be signed and certified in accordance with [section 25-237](#) of this division; and
 - (5) In no event shall more than nine (9) months elapse between such progress reports to the director.
- (c) *Report on compliance with categorical pretreatment standard deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW,

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any user subject to such pretreatment standards and requirements shall submit to the director a report containing the following information: flow measurements; measurement of pollutants; and the certification statement, as described in [section 25-236](#) (b)(4-6), the baseline monitoring report. All compliance reports must be signed and certified in accordance with [section 25-237](#) of this division.

- (d) *Discharge monitoring reports (self-monitoring reports).* All significant industrial users shall, at a frequency determined by the director and specified in the wastewater discharge permit but in no case less than twice per year, submit a report on the nature and concentration of pollutants in the discharge which are limited by pretreatment standards, and the measured daily flows for the reporting period. All discharge monitoring reports must be signed and certified in accordance with [section 25-237](#) of this division.
 - (1) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
 - (2) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in this division, the results of the additional monitoring shall be included in the report.
- (e) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the director's designee as identified in the wastewater discharge permit within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analyses and submit the results of the repeated testing to the director within thirty (30) days of becoming aware of the violation. The user is not required to resample if the department monitors at the user's facility at least once a month, or if the department samples between the user's initial sampling and when the user receives the results of that sampling.
- (f) *Reports of changed conditions.* Each user must notify the director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.
 - (1) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under [section 25-232](#) of this division.
 - (2) The director may issue a wastewater discharge permit under [section 25-231](#) of this ordinance or modify an existing wastewater discharge permit under [section 25-246](#) of this division in response to changed conditions or anticipated changed conditions.
 - (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.
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Sec. 25-237. - Signatories and certification.

All wastewater discharge permit applications and user reports (section [25-236](#) of this division) must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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Sec. 25-238. - Record keeping.

Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this division and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, time of sampling and the name of the person(s) taking the samples; the dates the analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city or county, or where the user has been specifically notified of a longer retention period by the director.

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Sec. 25-239. - Appeals.

- (a) Any user may appeal an altered or new permit condition or alleged violation of a current permit condition to the department. Such appeal must be received within thirty (30) workdays. The department shall schedule an appeal review meeting within thirty (30) days to discuss the appealed condition of this division or wastewater discharge permit and corrective or remedial action to be taken.
- (b) If the user and the department can agree to appropriate corrective remedial or preventive measures, such measures and a reasonable compliance schedule shall be incorporated as a supplemental condition of the user's wastewater discharge permit. If an agreement is not reached through the conciliation process, the department shall refer the appeal to the board of commissioners and the board of commissioners shall review the appeal and adjudge the dispute. The county shall then institute such actions as deemed advisable to ensure the user's compliance with the provisions of this division or other laws or regulations.

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Sec. 25-240. - Public participation and access to records.

- (a) The city and county shall comply with the regulations for public participation as applicable under federal, state or local law.
- (b) Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs and from the county's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law, or that such information is otherwise protected from disclosure under applicable federal or state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. It shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving persons furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by [40](#) CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

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Sec. 25-241. - Federal limits supersede local limits.

Upon the promulgation of a national categorical pretreatment standard for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The county shall notify all affected significant industrial users of the applicable reporting requirements under [40 CFR 403.12](#).

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Sec. 25-242. - Significant noncompliance.

The director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- (1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of wastewater measurements taken during a six-month period exceed the daily limit or average limit for the same pollutant parameter by any amount;
- (2) Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily limit or the average limit multiplied by the applicable criteria (1.4 for BOD; TSS; fats, oils and grease; and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation that the director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of his emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in the wastewater discharge permit;
- (6) Failure to provide, within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s) which the director determines will adversely affect the operation or implementation of the local pretreatment program.

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Sec. 25-243. - Penalties and enforcement.

- (a) Upon determination that a violation of this ordinance has occurred, the director shall serve upon that discharger a written notice of violation. Within fifteen (15) days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to

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include specific actions, shall be submitted by the violator to the department. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or other enforcement action, without first issuing a notice of violation.

- (b) The director may order a discharger which has violated, or continues to violate, any provisions of this ordinance to appear before the director and show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served by registered or certified mail, or by personal service on the user or the authorized representative of the user. Such notice may be served on any authorized representative of the discharger. A show cause hearing shall not be a bar against, or a prerequisite for, taking any other action against the discharger.
- (c) When the director finds that a discharger has violated, or continues to violate, any provisions of this division or that the discharger's past violations are likely to recur, the director may issue an order to the discharger directing it to cease and desist all such violations and directing the discharger to:
 - (1) Immediately comply with all requirements; and,
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation and to prevent recurrence of the violation.
 - (3) Each day of violation of a cease and desist order, after notice thereof, shall constitute a violation of this division, and shall constitute a separate violation of this division, subject to the maximum fine or imprisonment, or both, set forth in [section 1-10](#) of this Code.
- (d) Violation of the provisions of this ordinance constitutes an infraction subject to a penalty not to exceed one thousand dollars (\$1,000.00) per day per violation, imprisonment in jail for a term not exceeding thirty (30) days, or by labor on the work gang for sixty (60) days for any single offense, in accordance with [section 1-10](#) of this Code. The city and/or DeKalb County may institute appropriate action or proceedings at law or equity for the enforcement of this division or to correct violations of this division. Any court of competent jurisdiction may have the right to issue restraining orders, temporary or permanent injunctions and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense. Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.
- (e) When the director finds that a discharger has violated, or continues to violate, any provision of this ordinance, the director may petition the courts for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the requirements imposed by this ordinance on activities of the user. The director may also seek such other action as appropriate for legal and/or equitable relief, including a requirement for the discharger to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or prerequisite for, taking other action against a discharger.
- (f) The director may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the county, including, but not limited to, containment, cleanup, injury, death and other.
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Sec. 25-244. - Permit revocation.

The director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the director of significant changes to the wastewater prior to the changed discharge;

Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL

- (2) Failure to provide prior notification to the director of changed conditions pursuant to this chapter;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or any other required reporting;
- (4) Falsifying self monitoring reports or other required reporting;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the director timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- (13) Change of any condition that requires either temporary or permanent reduction or elimination of the permitted discharge; or
- (14) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

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Sec. 25-245. - Permit modification.

The director may modify any permit in whole or in part during its term for cause including, but not limited to, the following:

- (1) Violating any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance;
- (2) Engaging in any act that would constitute basis for revocation of the permit;
- (3) For purpose of incorporating any new or revised federal, state or local pretreatment standard or requirements;
- (4) For purpose of addressing significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
- (5) Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters;
- (6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to [40](#) CFR 403.13;
- (8) To correct clerical or other errors in the wastewater discharge permit; or
- (9) Changing any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

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Sec. 25-246. - Affirmative defenses to discharge violations.

(a) *Upset.*

- (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of [section 25-246\(a\)\(3\)](#), below, are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and the user can identify the cause(s) of the upset;
 - b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - c. The user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 1. A description of the indirect discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - d. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
 - e. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
 - f. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in [section 25-253\(1\)](#) of this division or the specific prohibitions in [section 25-253\(2\)\(c\)](#) through (g) of this division if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the county was regularly in compliance with its NPDES permits, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

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(c) *Bypass.*

- (1) For the purposes of this section,
 - a. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss caused by delays in production.
- (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.
- (3)
 - a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten (10) days before the date of the bypass, if possible.
 - b. A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (4)
 - a. Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The user submitted notices as required under paragraph (3) of this section.
 - b. The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in paragraph (d)1. of this section.

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Secs. 25-247—25-250. - Reserved.

DIVISION 5. - DISCHARGE REGULATIONS

[Sec. 25-251. - Discharge of prohibited waters.](#)

[Sec. 25-252. - Unauthorized tampering or use of sewers, appurtenances.](#)

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[Sec. 25-253. - Prohibited substances, wastes or materials.](#)

[Sec. 25-254. - Limits set on certain substances, materials and wastes.](#)

[Sec. 25-255. - Discharges which affect effluent quality from sewage treatment plants.](#)

[Sec. 25-256. - Accidental discharge/slug control plans.](#)

[Sec. 25-257. - Separators and interceptors.](#)

[Sec. 25-258. - Industrial discharges and surcharges.](#)

[Sec. 25-259. - Discharges requiring pretreatment.](#)

[Sec. 25-260. - Dilution.](#)

[Sec. 25-261. - Measurements, tests and analyses, and sample collection.](#)

[Sec. 25-262. - Accidental spills or drains.](#)

[Sec. 25-263. - Discharge of trucked or hauled wastes.](#)

[Sec. 25-264. - Emergency suspensions.](#)

[Sec. 25-265. - Title.](#)

[Sec. 25-265.1. - Definitions.](#)

[Sec. 25-265.2. - Purpose, scope, and policy.](#)

[Sec. 25-265.3. - Transporters of nonhazardous commercial waste.](#)

[Sec. 25-265.4. - Best management practices.](#)

[Sec. 25-265.5. - Requirements for interceptor and specific plumbing connections.](#)

[Sec. 25-265.6. - FOG interceptor physical specifications/requirements.](#)

[Sec. 25-265.7. - Maintenance requirements for new and existing FSE's](#)

[Sec. 25-265.8. - Notification of spills by the food service establishment.](#)

[Sec. 25-265.9. - FOG wastewater discharge permit.](#)

[Sec. 25-265.10 - FOG wastewater discharge permit application.](#)

[Sec. 25-265.11. - FOG wastewater discharge permit conditions.](#)

[Sec. 25-265.12. - FOG wastewater discharge permit modification of terms and conditions.](#)

[Sec. 25-265.13. - Permits for new and existing facilities, grandfathering, and effective date.](#)

[Sec. 25-265.14. - FOG wastewater discharge permit duration and renewal.](#)

[Sec. 25-265.15. - Exemption from FOG wastewater discharge permit.](#)

[Sec. 25-265.16. - Nontransferability of permits and fees.](#)

[Sec. 25-265.17. - Payment of charges.](#)

[Sec. 25-265.18. - Inspections and authority to enforce regulations.](#)

[Sec. 25-265.19. - Noncompliance fees, letters, and schedules.](#)

[Sec. 25-265.20. - Permit suspension and revocation.](#)

[Sec. 25-265.21. - Criminal penalties.](#)

[Secs. 25-266—25-275. - Reserved.](#)

Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-251. - Discharge of prohibited waters.

Discharge to a public sanitary sewer of stormwater, surface runoff or groundwater is prohibited. These waters shall be discharged to sewers specifically designated as storm sewers, combined sewers, or to an outlet approved by the city or county.

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Sec. 25-252. - Unauthorized tampering or use of sewers, appurtenances.

No unauthorized person shall uncover, make any connections with or open, use, alter or disturb any public sanitary sewer or appurtenance without first obtaining a written permit from the department.

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Sec. 25-253. - Prohibited substances, wastes or materials.

- (a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.
- (b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
 - (1) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases, or any other pollutants which create a fire or explosive hazard in the POTW including, but not limited to, wastestreams with a closed-up flash point of less than one hundred forty (140) degrees F (60 degrees C) using the test methods specified in [40](#) CFR 261.21.
 - (2) Wastewater having a pH lower than 5.0 or higher than 11.5 or otherwise causing corrosive structural damage to sewerage or harm to personnel.
 - (3) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems, or any water wastes containing toxic or poisonous solids, liquids or gases in a quantity sufficient to interfere with any sewerage or sewage treatment process, constitute a hazard to humans or animals or create a public nuisance, whether these wastes cause problems independently or via action with other substances.
 - (4) Solids or viscous liquids in quantities, types or sizes which will cause either flow obstruct ion in the sewer system or interference with the operation of the POTW (size may not be greater than one-half (½) inch in any dimension).
 - (5) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through; and
 - (7) Wastes or pollutants which have been classified as hazardous waste or hazardous materials in accordance with [40](#) CFR Part 261.

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Sec. 25-254. - Limits set on certain substances, materials and wastes.

(a) Discharge of any of the following water substances, wastes, or materials into a public sanitary sewer in excess of the stated limits and/or conditions is prohibited:

- (1) Liquid or water vapor having a temperature greater than one hundred fifty (150) degrees F, or which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees C.
- (2) Water or waste containing fats, wax, grease or oils of a petroleum or mineral base, in a concentration greater than one hundred (100) milligrams per liter (mg/l).
- (3) Substances which become solids or very viscous liquids at temperatures greater than thirty-two (32) degrees Fahrenheit.
- (4) Garbage that has been improperly shredded (any dimension greater than one-half (½) inch).
- (5) Water or waste containing the contaminants listed at a concentration greater than the limits set. This restriction includes, but is not limited to, discharges by any user of the collection and treatment system such that specific pollutants discharged to the county sanitary sewer system do not exceed concentrations specified below.

The concentration limits on discharges by any user, listed below, may be used as a guide in design and plant control, but may be altered by the board in the event of a discharge causing upset, interference or pass through at the POTW or having a deleterious effect upon any other aspect of public welfare, either alone or in combination with other discharges:

I.	LOCAL ALL INDUSTRIAL MAXIMUM CONCENTRATION	DISCHARGE DEKALB	LIMITS	FOR COUNTY USERS DAILY
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(As measured in discharges from manufacturing processes only, excluding domestic wastes or unpolluted discharges)

Contaminant	Industrial User Discharge Limit (mg/L)	Sample Type
Arsenic	0.12	24-hr. composite
Cadmium	0.01	24-hr. composite
Chromium	2.3	24-hr. composite
Copper	2.6	24-hr. composite
Cyanide, Total	0.08	Grab

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Lead	0.12	24-hr. composite
Mercury	0.002	24-hr. composite
Molybdenum	1.7	24-hr. composite
Nickel	1.8	24-hr. composite
Phenol	3.6	Grab
Selenium	0.5	24-hr. composite
Silver	1.7	24-hr. composite
Zinc	2.5	24-hr. composite

II. LOCAL DISCHARGE LIMITS FOR
 DEKALB COUNTY
 INDUSTRIAL DISCHARGING TO THE CITY OF ATLANTA'S
 RM MAXIMUM CONCENTRATION CLAYTON WPCP
 DAILY

(As measured in discharges from manufacturing processes only, excluding domestic waste or unpolluted discharges)

Contaminant	Industrial User Discharge Limit (mg/L)	Sample Type
Phosphorus, total	10 mg/L	24-hr. composite
Phosphorus, total, from food processing industry only	25 mg/L	24-hr. composite

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- (6) Water or wastes containing taste- or odor-producing contaminants in such quantities that, after treatment of sewage, these contaminants impart their tastes or odors to receiving waters.
 - (7) Water or wastes colored by dye or other solutions to such a degree that the color is not removed by treatment.
 - (8) Wastes containing substances emitting radiation greater than one thousand (1,000) picocuries per liter (pCi/l) for gross beta.
 - (9) Any other contaminant which the director deems harmful to the operation or efficiency of sewage treatment plants, the utilization or disposal of sludges, or to the health and welfare of the residents of the county.
 - (10) Waters or wastes containing any compound found to be toxic, in concentrations exceeding such acceptable limits as have been or shall be defined by the Environmental Protection Agency. This limitation includes compounds defined by the Environmental Protection Agency as priority pollutants pursuant to [40](#) CFR 403.
- (b) Ground paper products shall be prohibited from being discharged into the public sewer system.
- (c) All industrial users shall be required to meet pretreatment standards as set forth in [Title 40](#) Part 403 of the Code of Federal Regulations, entitled "General Pretreatment Regulations for Existing and New Sources of Pollution". The categorical pretreatment standards found at [40](#) CFR Chapter I, Subchapter N, Parts 405—471 are hereby incorporated.
- (d) The county may establish by ordinance, or the director may establish in wastewater discharge permits, more stringent standards for requirements on discharges to the POTW.
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Sec. 25-255. - Discharges which affect effluent quality from sewage treatment plants.

Discharges of materials or substances which would cause interference, upset and/or pass-through in the POTW, whether alone or in combination with other substances and discharges, are prohibited. Included without limitation in this category are:

- (1) Slug concentrations of inert suspended solids (such as lime slurries).
 - (2) Slug concentrations of inert dissolved solids (such as sodium chloride).
 - (3) Slug concentrations of colored wastes (such as dyes and tanning solutions).
 - (4) Slug concentrations of materials high in BOD or COD.
 - (5) Slug concentrations of ammonia or organic nitrogen compounds.
 - (6) Slug concentrations of phosphorus compounds.
 - (7) Other wastes not amenable to treatment.
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Sec. 25-256. - Accidental discharge/slug control plans.

- (a) At least once every two (2) years, the director shall evaluate whether each significant user needs an accidental discharge/slug control plan. The director may require any user to develop, submit for approval and implement such a plan. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:
- (1) Description of discharge practices, including non-routine batch discharges;

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- (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the director or his designee of any accidental or slug discharge, as required by [section 25-262](#) of this division;
 - (4) Procedures to prevent adverse impact from accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (b) Pollutants, substances or wastewater prohibited by this division shall not be processed or stored in such a manner that they could be discharged to the POTW. Pollutants, raw materials, products, processed materials or waste materials shall not be stored in such a manner that they could be discharged to the storm drain or cause a contaminated discharge to the municipal separate storm sewer system.
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Sec. 25-257. - Separators and interceptors.

Grease, oil and sand separators shall be provided when wastes containing more than one hundred (100) mg/l of fat, oil, grease or sand are discharged. Separators shall also be provided for any other substance in the wastes which becomes viscous or solidifies at a temperature above thirty-two (32) degrees Fahrenheit. All interceptors or separators shall be approved in writing by the county and shall be located for easy inspection. All expenses of installation and operation shall be borne by the owner. Interceptors and separators shall not be required for private living quarters.

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Sec. 25-258. - Industrial discharges and surcharges.

- (a) Industrial contributors to the public sanitary sewer system shall be required to pay a sewer rate surcharge based upon the concentration of total suspended solids (TSS), five-day BOD, ammonia and/or total phosphorus in their effluents. Industrial dischargers whose wastes contain greater than two hundred fifty (250) mg/l of either five-day BOD and/or total suspended solids, thirty (30) mg/l ammonia, or ten (10) mg/l total phosphorus shall pay the surcharge in an amount set by the board.
- (b) If values for any constituent exceed two (2) times the minimum surcharge concentration (i.e., five hundred (500) mg/l TSS) then the director may, if determined that these wastes adversely affect the POTW, require the industrial user to install pretreatment before discharging wastes to the public sanitary sewer system. This pretreatment must reduce the concentration of the wastes by treatment/removal of the excess constituent to the point where it no longer harms the POTW, and the values for all constituents are less than two (2) times the minimum surcharge concentration.
- (c) Periodic determination of the values for constituents subject to surcharge shall be made on composite samples of industrial effluents by personnel of the county.

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Sec. 25-259. - Discharges requiring pretreatment.

The department may require pretreatment of wastewater to an acceptable condition before discharge to the public sanitary sewer system when wastewaters contain the substances or possess the characteristics of prohibited or limited discharges. Pretreatment may also be required if these wastewaters cause upset, interference or pass through at the POTW or have a deleterious effect upon

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any other aspect of public welfare, either alone or in combination with other discharges. In addition to lowering the concentrations of substances to an acceptable level through pretreatment or altering the characteristics of a wastewater, the department may require additional controls before discharge to the public sanitary sewer system. In particular, quantities or rates of discharge shall be altered so that the discharge becomes more compatible with the sewer system. Expenses incurred in the installation and operation of these controls shall be borne by the industrial user.

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Sec. 25-260. - Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

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Sec. 25-261. - Measurements, tests and analyses, and sample collection.

- (a) Any measurements, tests, analyses, sample types, sample containers and/or holding times to which reference is made in this chapter shall be determined in accordance with procedures and specifications as set forth in [Title 40 Part 136](#) of the Code of Federal Regulations, unless otherwise specified in an applicable categorical pretreatment standard. If [40 CFR Part 136](#) does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
- (b) Analyses shall be determined at the control manhole, or upon a suitable sample taken at the control manhole. If no control manhole is available on the building sewer, the control manhole shall be considered the nearest downstream manhole to which the building sewer is directly connected. When the director deems it necessary, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole on the building sewer to facilitate observation and sampling of wastes. This manhole, when required, shall be accessible, safely located, and constructed at the owner's expense in accordance with county specifications.
- (c) Except as indicated in [section 25-261\(d\)](#), below, the user must collect wastewater samples using flow proportional composite sampling techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (d) Samples for oil and grease, temperature, Ph, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

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Sec. 25-262. - Accidental spills or drains.

- (a) In the case of accidental spills, loss to the drains of any deleterious material or substances, discharges of a non-routine nature, non-customary batch discharges or slug loads, the user shall immediately telephone and notify the department of the incident. This notification shall include the time of occurrence, location of discharge, type of waste, concentration and volume if known and corrective actions taken by the user. The user shall take all possible actions to prevent a spill, and

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should a spill occur, shall take immediate steps to ensure no recurrence of the incident. Industrial users which store or otherwise handle toxic, hazardous or flammable materials must have an accidental discharge/slug control plan in place to prevent the discharge, accidental or otherwise, of said materials to the sewer system.

- (b) Within five (5) days following such discharge, the user shall submit a detailed written report, unless waived by the director, describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar occurrences in the future. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this division.
- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

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Sec. 25-263. - Discharge of trucked or hauled wastes.

- (a) Discharge to any public sanitary sewer, appurtenance, or treatment facility of pumped, trucked or hauled wastes from commercial or industrial sources is prohibited. This ban specifically includes the disposal of greases and other grease trap-related wastes from food establishments.
- (b) Discharge of domestic septage is allowable only at the county's authorized septic tank disposal site, located at the Snapfinger Creek Water Pollution Control Plant, in accordance with the following requirements:
 - (1) Septic tank pumping companies must register with the DeKalb County Health Department, Division of Environmental Health; have their trucks inspected by that agency; and be issued a permit to Operate.
 - (2) Discharge fees shall be payable by coupons, obtained at the DeKalb County Division of Revenue and License Administration, and presented to the operator at the disposal site. Fees shall be as established by action of the board of commissioners.
 - (3) A manifest form must be completed on every septic tank pumped. Copies of the manifests for the septage to be discharged must be presented to the operator at the disposal site. The operator shall have the authority to deny approval for discharge to any load(s) not accompanied by manifests, due to discrepancies with the manifests, or other apparent problems with truck contents.
 - (4) Domestic septage shall be defined as the contents from septic tanks located at single-family residences, DeKalb County school facilities, or the contents of portable toilets.
 - (5) Repeat and/or major violations of these regulations may result in the hauling company being barred from the treatment facility and denied access to disposal in the county's system, in addition to the other fines and penalties cited in this section.

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Sec. 25-264. - Emergency suspensions.

The director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of

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persons. The director may also immediately suspend the user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension the director may take such steps as deemed necessary, including immediate severance of the order, sewer connection, and/or termination of water supply, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed.
- (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the director, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

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Sec. 25-265. - Title.

[Section 25-265](#) through [section 25-265.21](#) shall be known as the Fats, Oils, and Greases Regulations of the City of Brookhaven, Georgia.

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Sec. 25-265.1. - Definitions.

For the purposes of this section, certain terms and words are hereby defined. Where words are not herein defined, but are defined in [section 1-2](#), those words shall have the meaning as defined therein. Unless otherwise defined herein, words related to water quality shall be as defined in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. Unless otherwise defined herein, words related to construction shall be as defined in this Code and in the latest adopted applicable editions of the Georgia codes applicable to building construction adopted pursuant to state law. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Architectural or historical restrictions means a building or structure in the city that is one hundred (100) years or older and has special historical or esthetic interest or value.

Backflow means a reversal of normal flow in a system caused by a negative pressure (vacuum or partial vacuum) in the supply piping or other condition that reverses the normal direction of flow.

Baffle means a retention wall three-quarters ($\frac{3}{4}$) the length of the chamber nearer to the outlet.

Best management practices means a schedule of activities, a prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the introduction of fats, oils, and greases into the sewer system. These practices may vary by site, but produce the same reductions in fats, oils, and greases in the sewer system.

Change in operations means any change in the ownership, food types, or operational procedures of a food service establishment.

Compliance inspector means a person authorized by the city to inspect any existing or proposed wastewater generation, conveyance, processing, and/or disposal facilities.

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Director means the director or designee of the DeKalb County Department of Watershed Management.

Extreme economic hardship means a cost to comply with the requirements of these regulations that exceeds fifty thousand dollars (\$50,000.00).

Fats, oils, and greases (FOG) means any substance such as a vegetable or animal product that is used in, or is a byproduct of, the food preparation process, that turns or may turn viscous or solidifies or may solidify with a change in temperature or other conditions.

Fixtures means a pot sink, pre-rinse sink, vegetable sink, meat sink, mop sink, soup kettles, work stations, floor drains, automatic hood wash units, garbage disposals, trash compactors, dishwashers, and any other similarly functioning plumbing fixtures.

Flow means volume of wastewater moving in a certain direction.

Flow control device means a mechanism installed to control flow of hydraulic levels of FOG into an interceptor.

FOG means fats, oils, and greases.

FOG control program means to reduce and/or control the discharge of fats, oils, and grease into the sewer system by educating and regulating food service establishments located in the city or establishments located outside the city but which discharge FOG.

FOG control program manager means the individual designated by the city to administer the FOG control program.

FOG interceptor means a multicompartment device that is constructed in different sizes and is generally required to be located underground between a food service establishment and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals to be effective.

FOG manifest means a document that the state-permitted transporter must provide to the FOG generator as proof of services rendered.

FOG wastewater discharge permit means a permit issued by DeKalb County authorizing the food service establishment or generator to discharge wastewater into DeKalb County's facilities or into the sewer system.

Food Service Establishment (FSE) means any person who prepares and/or packages food or beverage for sale or consumption, on or off site, with the exception of private residences so long as the private residence is not used to prepare or package food or beverage for sale. Food service establishments include, but are not limited to, food courts; food manufacturers; food packagers; restaurants; catering services; bars/taverns; cafeterias; soda fountains; institutions, both public and private; mobile food vehicles (coach); wing trailers; diners; grocery stores; bakeries; coffee shops; ice cream shops; lounges; hospitals; hotels; nursing homes; churches; schools; daycare center; and all other food service establishments not listed above, either fixed or mobile, as are or may hereafter be recognized by the health department and/or the state department of agriculture.

Fresh air system/fixtures means a system that provides free circulation of air, which will prevent contamination from back flow or back siphonage, e.g. compartment sinks, dishwashers, floor drains, meat sinks, vegetable sinks, work stations, and mop sinks.

Generator means any person including those outside the jurisdictional limits of DeKalb County who contributes, causes, or permits the contribution or discharge of wastewater into sewers within the city boundaries.

Georgia state permitted transporter means a transporter as that term is defined by O.C.G.A. § 12-15-20 and as may hereinafter be amended.

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Grease trap means an inside mechanism no less than one hundred (100) pounds and no more than three hundred (300) pounds in size, with baffle and flow control installed before the master trap.

Hot flushing means a situation prohibited in DeKalb County that occurs when the FOG interceptor is too close to a hot-water-using device so the water does not cool sufficiently in the interceptor to allow the FOG to coagulate and float to the top and FOG is instead carried out to the sewer system.

Limited food preparation establishment means an establishment that is engaged only in reheating or serving of ready-to-eat food products and, as a result, discharges wastewater containing less than one hundred (100) mg/L of FOG per operating business day. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

New construction means any structure, planned or under construction, where a sewer connection permit is required by law or regulation but has not been issued by the city or county.

Nonhazardous manifest means a receipt that is retained by the generator of wastes for disposing of FOG, liquids, or other wastes as required by the city or county.

Plumbing Drainage Institute rating means interceptors that are tested, rated, and certified in conformance with Standard Plumbing Drainage Institute—G101 by the Plumbing and Drainage Institute.

Regulatory agencies means those agencies having regulatory jurisdiction over the operations of DeKalb County including, but not limited to: the United States Environmental Protection Agency, region IV, Georgia and Washington, D.C. (EPA); the Georgia Department of Natural Resources (DNR); the Georgia Division of Public Health; the Georgia Environmental Protection Division (EPD); the county; or any regulatory agency or body as may be established by federal, state, or local law.

Remodeling or remodeled means a physical change or operational change in a structure that requires an issuance of or revision to a business license or a building permit.

Septic tank means a hollow chambered tank without a baffle, T's, and flow control to restrict FOG from entering the county's sewer system.

Sewer system means as defined in [section 25-146](#) and as may hereinafter be amended.

Shovel inspection means a FOG compliance inspector who uses a shovel to determine the condition of the FOG interceptor.

Sludge means any solid, semisolid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

Sludge judge inspection means a test in which the FOG compliance inspector uses an instrument, usually a clear hollow plastic tube, to pull and measure a core sample from the FOG interceptor to determine its condition.

Standard Plumbing Drainage Institute—G101 means a comprehensive engineering and testing program developed to establish flow rates and FOG holding capacity for uniform rating of FOG interceptors.

Total solids means the sum of suspended and dissolved solids within a sample.

Twenty (20) percent rule means the requirement for FOG interceptors to be maintained such that the combined FOG solids accumulation does not exceed twenty (20) percent of the design hydraulic capacity of the FOG interceptor.

Visual inspection means an in-person observation by a FOG compliance inspector to determine if a shovel inspection and/or a sludge judge inspection is necessary to determine the condition of the FOG interceptor.

Waste means sewage and any and all other waste substances, liquid, solid, or gaseous, associated with human habitation or of human or animal nature intended for disposal.

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Wastewater constituents and characteristics means the individual chemical, physical, and bacteriological parameters, including volume and flow rate, and such other parameters that serve to define, classify, or measure the quality and quantity of wastewater.

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Sec. 25-265.2. - Purpose, scope, and policy.

- (a) These regulations are designed to facilitate the maximum beneficial public use of DeKalb County's sewer system while preventing blockages and overflows of sewer system resulting from discharges of FOG into the DeKalb County sewer system and to specify appropriate FOG discharge requirements for all facilities emitting FOG.
- (b) By enactment of these regulations, the city intends to exercise its authority over sizing, location, maintenance, and material of grease traps and/or interceptors within the city.
- (c) The provisions of these regulations shall apply to the direct or indirect discharge of all wastewater or waste containing FOG discharged into the county sewer system.
- (d) These regulations establish quantity and quality standards on all wastewater and/or waste discharges containing FOG; which may alone or collectively cause or contribute to FOG accumulation in the sewer system causing or potentially causing or contributing to the occurrence of sanitary sewer overflows and blockages.

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Sec. 25-265.3. - Transporters of nonhazardous commercial waste.

O.C.G.A. § 12-15-20 et seq. sets forth a permitting scheme for transporters of commercial waste and provides a regulatory method for the clean and sanitary removal of commercial waste. O.C.G.A. § 12-15-23 specifically authorizes counties to enforce compliance with the provisions of the state law described in this section. O.C.G.A. § 12-15-20 et seq. as currently enacted and as may hereinafter be amended, is therefore adopted by reference as if set out fully in this section.

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Sec. 25-265.4. - Best management practices.

- (a) All persons disposing of FOG shall be required to properly dispose of FOG using all of the following best management practices:
 - (1) Dispose of FOG in covered collection containers;
 - (2) Place food scraps from dishes into trashcans and garbage bags and dispose of properly;
 - (3) Avoid disposing of food scraps in garbage disposers to help maintain interceptor volume;
 - (4) Allow FOG to cool first before it is skimmed, scraped, or wiped off of all preparation and servicing surfaces;
 - (5) Prewash dishes and pans with cold water before putting them in the dishwasher;
 - (6) Cover the kitchen sink drain with screening and empty debris into the garbage as needed;
 - (7) Cover the floor drain with a fine screen and empty into the garbage can as needed; and
 - (8) Recycle used fryer oil.
- (b) All persons disposing of FOG shall not use any of the following practices when disposing of FOG:

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- (1) Pouring FOG down the drain;
 - (2) Putting food scraps down the drain; or
 - (3) Running hot water over dishes, pans, fryers, woks, and griddles to rinse FOG down the drain (also known as hot flush).
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Sec. 25-265.5. - Requirements for interceptor and specific plumbing connections.

- (a) All food service establishments shall only introduce pretreated wastewater acceptable to the city and county, under the requirements and standards established herein before discharging, directly or indirectly, into any DeKalb County sewer system.
 - (b) No more than one hundred (100) mg/L of FOG shall be discharged per operating business day. The FOG generator shall bear all of the expense of proving compliance with the one-hundred-mg/L threshold.
 - (c) Any food service establishment required to provide FOG pretreatment shall install, operate, and maintain an appropriately designed and adequately sized FOG interceptor that has been approved by the chief executive officer or designee.
 - (d) The testing procedures for waste constituents and characteristics shall be as provided in [40 CFR 136](#) (Code of Federal Regulations).
 - (e) FOG interceptors shall be connected to the food service establishment's lateral sewer line after all fixtures which may introduce FOG have been connected and shall have fresh air connected, as defined in these regulations. Fresh-air fixtures include, but are not limited to, sinks, dishwashers, garbage disposals, automatic hood wash units, floor drains in food preparation and storage areas, and any other fixtures which have a potential to introduce FOG. Wastewater from sanitary sewer fixtures and other similar fixtures shall not be introduced into the FOG interceptor.
 - (f) FOG interceptors shall not be connected to septic tanks.
 - (g) All food service establishments that have dumpster pad/trash compactor drains on site and are connected to the sewer system shall have a separate interceptor (no less than one thousand (1,000) gallons in size) installed and functioning at all times. The sloping area to the outside drain and the drain shall be covered either by the dumpster/compactor or a canopy to prevent inflow and infiltration of rainwater.
 - (h) Any drains that lead to the sewer system including, but not limited to, trench drains, enclosed dock drains, carwash drains, elevator drains, and other similar types of drains shall have an oil-water debris interceptor of no less than one thousand (1,000) gallons and no more than three thousand (3,000) gallons in capacity.
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Sec. 25-265.6. - FOG interceptor physical specifications/requirements.

- (a) All interior FOG interceptors shall:
 - (1) Be a minimum of one hundred (100) pounds in capacity as defined by the Plumbing Drainage Institute;
 - (2) Be made of corrosion-resistant coated metal;
 - (3) Be properly sized based on the results of an inspection and FOG evaluation;

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- (4) Contain properly installed and functioning baffle walls and other flow control devices necessary to achieve the appropriate retention time;
 - (5) Have at least a thirty-minute interior retention time before gray water is discharged into the sewer system;
 - (6) Tie all of the fresh air fixtures to the FOG interceptor;
 - (7) Have fifteen-foot distance between the FOG interceptor and the last fresh air fixture and have a proper flow control device;
 - (8) Have a temperature of discharge entering the interior FOG interceptor that does not exceed one hundred forty (140) degrees Fahrenheit; and
 - (9) Be Plumbing Drainage Institute rated, be accessible for inspection, and be installed in accordance with the manufacturer's specifications by a licensed plumber and not a representative and/or an apprentice of the licensed plumber.
- (b) All exterior FOG Interceptors shall:
- (1) Be a minimum of one thousand (1,000) gallons in capacity;
 - (2) Be properly sized based on the results of an inspection and FOG evaluation;
 - (3) Be constructed of re-enforced materials suitable for load bearing and water tight to prevent inflow and infiltration;
 - (4) Be precast with a minimum of three thousand (3,000) psi concrete per applicable American Society for Testing and Materials standards with four (4) to seven (7) percent air entrapment;
 - (5) Have an invert elevation of the inlet between three (3) inches to six (6) inches above the invert elevation of the outlet;
 - (6) Contain a properly installed and functioning baffle wall and other flow control devices necessary to achieve an adequate time for FOG to properly separate but not to exceed twenty-four (24) hours;
 - (7) Contain inlet and outlet T's made of schedule 40 PVC piping and at a ninety-degree angle with a minimum diameter of the inlet and outlet piping to be six (6) inches;
 - (8) Include the outlet T six (6) inches from the manhole cover;
 - (9) Include T piping of the inlet and outlet that is within eighteen (18) inches of the bottom and at least five (5) inches above the static liquid level of the tank;
 - (10) Have the FOG interceptor set level on a consolidated, stable base so that no settling or tipping of the FOG interceptor can occur;
 - (11) Connect all of the fresh-air fixtures to the FOG interceptor;
 - (12) Have the outlet discharge line from the FOG interceptor directly connected to a sewer line tapped into the collection main;
 - (13) Have solid manhole covers to prevent inflow and infiltration;
 - (14) Have two (2) or more manholes for entry to each chamber of hydraulic liquid mass;
 - (15) Be accessible for inspections and have no permanent or temporary structure or container placed directly over the FOG interceptor or installed in areas subject to traffic; and
 - (16) Be installed by a licensed plumber.
- (c) The contents of any fryer-oil containers shall not be mixed with any other FOG interceptor waste or any other no-toxic or toxic substances.

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Sec. 25-265.7. - Maintenance requirements for new and existing FSE's

- (a) *[Depth of FOG.]* The depth of FOG (floating and settled) in the FOG interceptor shall not be equal to or greater than twenty (20) percent of the total operating depth of the interceptor.
- (b) *General requirements for FOG interceptors.* In order to maintain FOG interceptors, all food service establishments shall remove the sludge, floating materials, solids, and wastewater, and shall scrape all excessive solids from the walls, floor, baffles, and all pipe work and shall pump interior and exterior FOG interceptors dry as set forth in these regulations and as required by the terms and conditions of the permit.
 - (1) FOG interceptors shall be kept free from any inflow/infiltration such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., as such inflow reduces the effectiveness of the FOG interceptor; thereby increasing the need for more frequent cleaning.
 - (2) To insure that the FOG interceptor can be maintained properly, the FOG interceptor needs to be free from any obstruction that would hinder the maintenance, function, and inspection of the interceptor.
 - (3) A Georgia State Permitted Transporter shall perform all maintenance of FOG interceptors. All Georgia State Permitted Transporters working in the city shall have an active Georgia Waste Transporter's Permit and a DeKalb County Transporters Permit in the manner and form set forth by O.C.G.A. § 12-15-20 et seq. Transporters working in the city are required to leave a copy of a nonhazardous waste manifest with the food service establishment. Maintenance schedules may vary based on individual circumstances to protect the sewer system.
 - (4) The FOG compliance inspector has the authority to change the FOG interceptors cleaning cycles for any FOG generator at any time.
 - (5) The discharge or introduction of any additives to the sewer system is unlawful and prohibited. The direct introduction of additives into the FOG interceptor is prohibited. Additives include but are not limited to biological agents such as enzymes, bacteria, and/or degreasing agents.
 - (6) The FOG generator shall be responsible for the proper removal and disposal of the FOG interceptor waste by a Georgia State Permitted Waste Transporter and maintenance of records of disposal as specified in this section. All waste removed from each FOG interceptor must be disposed of at an appropriate disposal facility designed to receive such waste.
 - (7) No FOG interceptor pumpage shall be discharged to the sewer system as otherwise prohibited in these regulations.
 - (8) Every FOG interceptor shall be required to have a Georgia Nonhazardous Waste Manifest. The Georgia Nonhazardous Waste Manifest must be complete with all information required by these regulations and state law.
 - (9) Mechanical FOG interceptors are prohibited in DeKalb County.
- (c) *Exterior FOG interceptors.* Maintenance of exterior FOG interceptors shall be performed at least once every ninety (90) days. Skimming, decanting, and/or any reintroduction of water into exterior FOG interceptors shall not be allowed under any conditions.
- (d) *Interior FOG interceptors.* Interior FOG interceptors maintenance shall be performed once every thirty (30) days, and all of the fresh air and/or safe-way plumbing fixtures shall be connected. In-house cleaning of interior FOG interceptors is prohibited. To insure proper FOG interceptor maintenance, interior FOG interceptors shall be free from any obstruction that would hinder the maintenance of the interceptor. Interior FOG interceptors shall be easily accessible with a minimum clearance of thirty-six (36) inches.

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- (e) *Interior and exterior FOG interceptor records.* All food service establishments shall maintain records of the date and time of all cleaning and maintenance. Every FOG interceptor manifest shall be placed in a logbook, folder, or three-ring notebook. This book shall be made available on demand by the FOG compliance inspector during inspection. All records of at least three (3) years shall be kept on site and available. These records shall include:
- (1) A logbook of FOG interceptor and/or FOG control device cleaning and maintenance;
 - (2) A record of best management practices being implemented, including employee training;
 - (3) Copies of records and manifests of waste transporting interceptor contents;
 - (4) Records of any spills and/or cleaning of the lateral sewer line; and
 - (5) Records of sampling data and sludge height monitoring for FOG and solids accumulation in the FOG interceptors.
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Sec. 25-265.8. - Notification of spills by the food service establishment.

- (a) In the event that any food service establishment is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error or the food service establishment has reasonable opportunity to know that his/her/its discharge shall exceed the discharge provisions of the FOG wastewater discharge permit or these regulations, the food service establishments shall immediately notify the FOG control program manager or designee by telephone at the number specified in the permit. If the material discharged to the sewer has the potential to cause or result in sewer blockages or sanitary sewer overflows, the food service establishment shall immediately notify the FOG control program manager or designee by telephone at the number specified in the permit and the Director of the DeKalb County Health Department or designee orally or by telephone at the published numbers for such departments.
- (b) All food service establishments shall provide written notification of this oral or telephonic notification to the FOG control program manager at the address specified in the permit no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- (c) Such notification shall not relieve a food service establishment of any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the city or DeKalb County or any other damage or loss to person or property; nor will such notification relieve a food service establishment from payment of any fees or imposition of any other liability which may be authorized by these regulations or other applicable law.
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Sec. 25-265.9. - FOG wastewater discharge permit.

- (a) Food service establishments proposing to discharge or currently discharging wastewater that contains FOG into the DeKalb County sewer system shall obtain a FOG wastewater discharge permit annually or cease ongoing operation until such permit is obtained. In addition to any other penalties authorized by law, failure to obtain such a permit shall subject the food service establishment to the potential of the disconnection of water service, until such permit is obtained.
- (b) FOG wastewater discharge permits shall be subject to all provisions of these regulations and all other regulations, charges for use, and fees established by the county. The county in accordance

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with these regulations and applicable law shall have the authority to enforce the conditions of FOG wastewater discharge permits.

- (c) The FOG wastewater discharge permit shall be issued upon:
- (1) Receipt of a complete application,
 - (2) Compliance with these regulations,
 - (3) Compliance with the applicable provisions of this Code, and
 - (4) The proper installation and maintenance of a FOG interceptor that complies with the applicable provisions of this Code.

In the event that the food service establishment complies with the applicable provisions of these regulations, a permit will be issued or denied within thirty (30) days of compliance with this section. If the permit is not issued or denied within the time frame specified herein, the permit shall be deemed issued and approved.

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Sec. 25-265.10 - FOG wastewater discharge permit application.

- (a) All food service establishments are required to obtain a FOG wastewater discharge permit and shall complete and file with DeKalb County prior to commencing or continuing discharges, an application for a wastewater discharge permit in a form prescribed by DeKalb County along with any applicable fees. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
- (1) Name, address, telephone number, assessor's parcel number(s), description of the food service establishment, operation, cuisine, service activities, and, as applicable, clients using the applicant's services;
 - (2) Whichever is applicable, the name and address of any and all principals/owners/major shareholders of the food service establishment, articles of incorporation, most recent report of the secretary of state, and a copy of the owner's business license;
 - (3) Name and address of property owner or lessee and the property manager for the property where the food service establishment is located; and
 - (4) Any other information specified in the application form.
- (b) Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control devices, FOG interceptors, or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.
- (c) Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the permit application.
- (d) After evaluation of the data furnished, DeKalb County may issue a FOG wastewater discharge permit, subject to the terms and conditions set forth in these regulations and as otherwise determined by the FOG control program manager to be appropriate to protect DeKalb County's sewer system.
- (e) The FOG wastewater discharge permit and application fee shall be paid by the applicant in an amount adopted by action of the governing authority. Payment of the application permit fee must be received by DeKalb County at the time of filing the application for the permit. A food service establishment shall also pay any delinquent invoices in full prior to any permit renewal.
- (f) An application shall not be considered complete until all the information required by this section is provided to the FOG control program manager or designee. The FOG control program manager shall

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have fifteen (15) business days from receipt of such information to advise a food service establishment that an application is not complete.

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Sec. 25-265.11. - FOG wastewater discharge permit conditions.

The issuance of a FOG wastewater discharge permit may contain any of the following conditions or limits:

- (a) Limits on discharge of FOG (one hundred (100) mg/L), which may cause or contribute to sanitary sewer overflows and/or sewer blockages;
- (b) Requirements for proper operation and maintenance of FOG interceptors and other FOG control devices;
- (c) FOG interceptor maintenance frequency and schedule;
- (d) Requirements for implementation of best management practices and installation of adequate FOG interceptor and/or FOG control device;
- (e) Requirements for maintaining and reporting status of best management practices;
- (f) Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests;
- (g) Requirements to self-monitor the discharge to the sewer system and periodically assess and report on the condition of the sewer lateral;
- (h) Requirements for the food service establishment to construct operate and maintain, at its own expense, a FOG control device(s) and sampling facilities;
- (i) Additional requirements as otherwise determined to be reasonably appropriate by the FOG control program manager to protect DeKalb County's sewer system or as specified by other regulatory agencies; and
- (j) Other terms and conditions which may be reasonably applicable to ensure compliance with these regulations.

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Sec. 25-265.12. - FOG wastewater discharge permit modification of terms and conditions.

- (a) The terms and conditions of an issued permit may be modified by the FOG control program manager if there is a change in:
 - (1) The generator's current or anticipated operating data;
 - (2) DeKalb County's current or anticipated operating data;
 - (3) The requirements of regulatory agencies which affect DeKalb County; or
 - (4) A determination by the FOG control program manager and his or her designee that such modification is required to comply with the provisions of these regulations.
- (b) The food service establishment may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change and the reasons for the change. The FOG control program manager shall review the request, make a determination on the request, and respond in writing within thirty (30) days of receipt of the request.

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- (c) The food service establishment shall be informed of any change in the permit limits, conditions, or requirements at least forty-five (45) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, not to exceed forty-five (45) days.

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Sec. 25-265.13. - Permits for new and existing facilities, grandfathering, and effective date.

- (a) *New facilities.* Food service establishments which are newly proposed, constructed, or existing facilities which will be expanded or renovated, shall be required to install a properly sized FOG interceptor according to the requirements set forth in these regulations and such FOG interceptors shall be permitted and installed prior to the issuance of a certificate of occupancy for the food service establishment.
- (b) *Existing facilities.* The city and DeKalb County require all existing food service establishments to install, operate, and maintain a FOG interceptor that complies with the requirements set forth in these regulations. All food service establishments shall repair or replace any noncomplaint [noncompliant] plumbing or the existing FOG interceptor within ninety (90) days of written notification by DeKalb County if any one or more of the following conditions exist or occur:
 - (1) The facility is found to produce any product that creates FOG as a byproduct;
 - (2) The facility does not have a FOG interceptor;
 - (3) The facility has an undersized, irreparable, improperly configured, or defective FOG interceptor;
 - (4) Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by DeKalb County;
 - (5) The existing facility is sold or undergoes a change of ownership or expansion;
 - (6) The existing facility does not have plumbing connection to a FOG interceptor in compliance with the requirements of DeKalb County; or
 - (7) If a food service establishment changes its business name.
- (c) *Grandfathering.* If an existing food service establishment is housed in a structure that because of its architectural or historical restrictions the owner will suffer extreme economic hardship in order to upgrade the existing FOG interceptor, then the establishment may keep the current FOG interceptor in place provided that all fresh-air fixtures must be tied into the current FOG interceptor, and the FOG interceptor must be at least fifteen (15) feet from the last fresh-air fixture. Additionally, the FOG interceptor must be cleaned every ten (10) days by a Georgia State Permitted Transporter. In the event that any remodeling of such a food service establishment is undertaken or if the food service establishment changes ownership, then a FOG interceptor that complies with all applicable requirements of this code shall be installed.
- (d) *Notification of planned changes.* All food service establishments shall notify the FOG compliance manager at least ninety (90) days in writing in advance prior to any change of ownership, facility expansion/remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. All food service establishments shall submit any information requested by DeKalb County for evaluation of the effect of such expansion on the Food service establishment's FOG discharge to the sewer system.
- (e) *Effective date.* These regulations shall become effective immediately upon adoption for all new and existing food service establishments and subject to the written policy promulgated by the county.

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Sec. 25-265.14. - FOG wastewater discharge permit duration and renewal.

FOG wastewater discharge permits shall be issued annually. At least thirty (30) days prior to the expiration of the permit, the user shall apply for renewal of the permit in accordance with the provisions of [chapter 25](#) article 3 of this Code.

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Sec. 25-265.15. - Exemption from FOG wastewater discharge permit.

A limited food preparation establishment is not considered a food service establishment and is exempt from obtaining a FOG wastewater discharge permit.

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Sec. 25.265.16. - Nontransferability of permits and fees.

- (a) FOG wastewater discharge permits issued under these regulations are for a specific food service establishment, for a specific operation, and create no vested rights.
- (b) No permit holder shall assign, transfer, or sell any FOG wastewater discharge permit issued under these regulations nor use any such permit for or on any premises or for facilities or operations or discharges not expressly encompassed within the underlying permit.
- (c) A permitting fee that covers the administrative costs of DeKalb County for administering the FOG program shall be established by action of the governing authority and assessed to each facility subject to these regulations.

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Sec. 25-265.17. - Payment of charges.

All fees established by these regulations are due and payable upon receipt of notice thereof. Accounts shall become delinquent if not paid within thirty (30) days of the date of mailing, or if personally delivered, the date of delivery. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate initiation of permit revocation proceedings or immediate suspension of the permit.

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Sec. 25-265.18. - Inspections and authority to enforce regulations.

- (a) *Authority to inspect.* The compliance inspectors shall inspect food service establishments on both an unscheduled and unannounced basis or on a scheduled basis. All food service establishments may be inspected up to four (4) times per year. Inspection of a FOG interceptor shall be performed at frequencies necessary to protect the capacity of the sewer system against the accumulation of FOG in an amount that would exceed the twenty (20) percent rule. Inspection shall include all fixtures, equipment, food processing, and storage areas, and shall include a review of the processes that produce wastewater discharged from a facility through the FOG interceptor. Any deficiencies shall be noted, including but not to be limited to:
 - (1) Failure to report changes in operations or wastewater constituents and characteristics;
 - (2) Failure to properly maintain the FOG interceptor;
 - (3) Failure to maintain logs, files, records, or access for inspection or monitoring activities;

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- (4) Failure to obtain or renew the FOG discharge permits in a timely manner; or
- (5) Any other violations of these regulations or state law that requires correction by the food service establishment.
- (b) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of these regulations or where the FOG control program manager or designee has reasonable cause to believe that there exists in a building or structure or upon a premises a condition which is contrary to or in violation of the applicable provisions of this Code, the FOG control program manager or designee is authorized to enter the building, structure or premises at reasonable times to inspect or perform any of the duties imposed by the applicable provisions of this Code. If such building, structure, or premises is occupied, the inspector shall present credentials to the occupant and shall request entry. If such building, structure, or premises is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other person having charge or control of the building, structure, or premises and request entry. If entry is refused, the inspector shall have recourse to the remedies provided by law for entry. In the event of an emergency involving actual or imminent sanitary sewer overflow, the inspector may access adjoining businesses or properties that share a sewer system with a food service establishment in order to prevent or remediate an actual or imminent sewer overflow.
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Sec. 25-265.19. - Noncompliance fees, letters, and schedules.

- (a) *Reinspection fee.* Any food service establishment in noncompliance with the terms and conditions specified in its permit or with any provision of these regulations shall pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the city and/or DeKalb County for costs of additional inspections, followups, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to these regulations. Noncompliance fees shall be in the amount adopted by action of the governing authority.
- (c) *Noncompliance Letters.* Immediately following every inspection and/or FOG evaluation, the food service establishment inspected shall receive a letter indicating the results of the inspection. A certified letter of noncompliance means the food service establishment is in violation of the applicable provisions of this Code. Letters of noncompliance shall include a description of the code being violated and the immediate course of action the food service establishment shall be required to take to come into compliance. Failure to comply with a letter of non-compliance is also a violation of these regulations.
- (d) *Compliance schedule.* Upon determination that a food service establishment is noncompliant with the terms and conditions specified in its permit or any provision of these regulations or needs to construct and/or acquire and install a FOG interceptor, the FOG control program manager may also issue and require the food service establishment to abide by a compliance schedule. The issuance of a compliance schedule may contain terms and conditions including, but not limited to, requirements for installation of a FOG interceptor and facilities, submittal of drawings or reports, audit of waste hauling records, best management and waste minimization practices, payment of fees, or other provisions to ensure compliance with these regulations.
- (e) *Fees.* The FOG control program manager shall not issue a compliance schedule until such time as all amounts owed by the food service establishment to the county, due are paid in full. If compliance is not achieved in accordance with the terms and conditions of a compliance schedule, the FOG control program manager may issue an order suspending or revoking the FOG wastewater discharge permit.
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Sec. 25-265.20. - Permit suspension and revocation.

- (a) *Permit suspension and revocation.* The FOG control program manager may suspend or revoke any permit when it is determined that a food service establishment:
- (1) Fails to comply with the terms and conditions of a noncompliance letter or compliance schedule order;
 - (2) Destroys, removes, conceals, or knowingly provides a false statement, representation, record, report, or other document to the city or county;
 - (3) Refuses to provide records, reports, plans, or other documents required by the city or county to determine permit terms or conditions, discharge compliance, or compliance with these regulations;
 - (4) Falsifies, tampers with, destroys, or knowingly renders inaccurate any monitoring device or sample collection method;
 - (5) Does not make timely payment of all amounts owed to the city and/or county for user charges, permit fees, or any other fees imposed pursuant to these regulations;
 - (6) Causes interference, a sewer blockage, or a sanitary sewer overflow in the sewer system, violates FOG interceptor maintenance requirements, violates any condition or limit of its FOG wastewater discharge permit, or violates any provision of these regulations; or
 - (7) Refuses to accept a notice by personal service or certified mail.
- (b) *Notification.*
- (1) When the FOG control program manager has reason to believe that grounds exist for permit suspension or revocation, he/she shall give written notice thereof by certified mail to the food service establishment setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the director. The hearing date shall be not less than fifteen (15) calendar days or more than forty-five (45) calendar days after the mailing of such notice.
 - (2) At the suspension or revocation hearing, the food service establishment shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with written procedures established by the director. The director shall conduct the hearing and shall render a decision in writing within thirty (30) calendar days after the conclusion of the hearing.
 - (3) The written decision and order of the director shall be sent by certified mail to the food service establishment at the food service establishment's business address. Upon an order of suspension or revocation by the FOG control program manager becoming final, the food service establishment shall immediately cease and desist its discharge and shall have no right to discharge any wastewater containing FOG directly or indirectly into DeKalb County's sewer system for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the food service establishment. Any owner or responsible management employee of the food service establishment shall be bound by the order of suspension or revocation. Upon an order of revocation by the FOG control program manager becoming final, the food service establishment shall permanently lose all rights to discharge any wastewater containing FOG directly or indirectly to DeKalb County's sewer system. All costs for physical termination shall be paid by the food service establishment.
 - (4) An order of permit suspension or revocation issued by the FOG control program manager shall be final in all respects on the sixteenth day after it is mailed to the food service establishment.
- (c) *Damage to facilities or interruption of normal operations of the sewer system.* Any person who discharges any waste which causes or contributes to any sewer blockage, sanitary sewer overflows,

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obstruction, interference, damage, or any other impairment to DeKalb County's sewer system and/or equipment, or to the operation of those facilities and/or equipment shall be liable for all costs required to clean and/or repair the facilities and/or equipment, together with expenses incurred by the city and county to resume normal operations. A service charge of twenty-five (25) percent of the city and county's costs shall be added to the costs and charges to reimburse for miscellaneous overhead, including administrative personnel and recordkeeping. The total amount shall be payable within forty five (45) days of invoicing. Any person who discharges a waste which causes or contributes to DeKalb County violating its discharge requirements established by any Regulatory Agency incurring additional expenses or suffering losses or damage to the facilities and/or equipment shall be liable for any costs or expenses incurred by the city and/or county, including regulatory fines, penalties, and assessments made by other agencies or a court.

- (d) *Termination of water service to the food service establishment.* DeKalb County, by order of the FOG control program manager, may physically terminate water service to any property as follows:
 - (1) If so ordered in any order of suspension or revocation of a permit; or
 - (2) Upon the failure of a person not holding a valid FOG Wastewater discharge permit to immediately cease the discharge, whether direct or indirect, to DeKalb County's sewer system after the issuance of a final order or suspension or revocation.
 - (3) All costs for physical termination of the water service shall be paid by the owner or operator of the food service establishment as well as all costs for reinstating service.
- (e) *Emergency suspension order.* DeKalb County may, by order of the FOG control program manager or designee, suspend water service when the FOG control program manager or designee determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause sanitary sewer overflows, sewer blockages, interference to DeKalb County's sewer facilities, or may cause DeKalb County to violate any state or federal law or regulation. Any discharger notified of and subject to an emergency suspension order shall immediately cease and desist the discharge of all wastewater containing FOG to the sewer system.
- (f) *Emergency suspension hearing.* As soon as reasonably practicable following the issuance of an emergency suspension order, but in no event more than five (5) business days following the issuance of such order, the director shall hold a hearing to provide a food service establishment the opportunity to present information in opposition to the issuance of the emergency suspension order. Such a hearing shall not stay the effect of the emergency suspension order. The hearing shall be conducted in accordance with written procedures established by the director. The director shall issue a written decision and order within two (2) business days following the hearing, which decision shall be sent by certified mail to the food service establishment at that food service establishment's business address. This decision shall either lift the emergency suspension order or suspend or revoke the permit subject to the suspension and revocation appeal process set forth in these regulations.
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Sec. 25-265.21. - Criminal penalties.

- (a) Any person that does anything prohibited or fails to do anything required by these regulations, upon citation and conviction of the violation in a court of competent jurisdiction, shall be subject to the penalties in accordance with [section 1-10](#). Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.
- (b) Upon a second and subsequent conviction within a twelve-month period, measured from the date of the first conviction, of any violation of these regulations, the court shall impose a fine of not less than five hundred dollars (\$500.00) in addition to any other penalty or punishment imposed by the court.

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- (c) Upon a third and subsequent conviction within a twelve-month period measured from the date of the first conviction of any violation of these regulations, the court shall impose a fine of not less than one thousand dollars (\$1,000.00) in addition to any other penalty or punishment imposed by the court.
- (d) The penalties provided in this section are not cumulative and shall not prohibit the city nor the county from pursuing any other civil or criminal remedies authorized by this Code, county, state, or federal law.
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Secs. 25-266—25-275. - Reserved.

DIVISION 6. - RATES AND CHARGES

[Sec. 25-276. - Levied.](#)

[Sec. 25-277. - Billing.](#)

[Sec. 25-278. - Collection.](#)

[Sec. 25-279. - Disconnection of service for failure to pay.](#)

[Sec. 25-280. - Reserved.](#)

[Sec. 25-281. - Right of county to tax for benefit of sewer system.](#)

[Sec. 25-282. - Discharges to sewer system by persons or governments residing outside county.](#)

[Secs. 25-283—25-300. - Reserved.](#)

Sec. 25-276. - Levied.

A service charge is levied and assessed for the operation and maintenance of the sewer system. This charge is based on the amount of potable water consumed per month by each contributor to the sewer system. The rate at which this charge is levied shall be as established by action of the board of commissioners, a copy of which is on file in the office of the clerk of the board of commissioners. The charges imposed by this article may be periodically revised at the discretion of the board of commissioners. A readiness-to-serve charge is imposed for the operation of the sewer system based on the size of the customer's water meter. A surcharge for overstrength waste, i.e., wastes consisting of total suspended solids and/or five-day biochemical oxygen demand materials in concentrations exceeding 250 mg/l, ammonia in concentrations exceeding 30 mg/l, and total phosphorus exceeding 10 mg/l, is levied at a rate approved and adopted by the board of commissioners.

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Sec. 25-277. - Billing.

The finance department shall prepare for each contributor to the sewerage system a monthly or bimonthly notice of the amount due. This notice shall be addressed and mailed to the address as designated by the owner or occupant of the property. Payment is due in full ten (10) days from date notice is mailed, and shall be in default if not paid on or before the twentieth day after the date of the notice. Failure to receive the notice in no way relieves the occupant of liability for the amount due.

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Sec. 25-278. - Collection.

The finance department shall be responsible for the collection of all sewer service charges. It shall have deposited to the account of the water and sewer fund of the county all sums collected for water and sewer services as soon as received.

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Sec. 25-279. - Disconnection of service for failure to pay.

If payment has not been received twenty (20) calendar days after the date of the notice of amount due for sewer services, a default notice shall be sent to the occupant of the property. If payment is not received within ten (10) days after the date of the default notice, then the finance department shall initiate action to terminate water service until such time as all sums due for sewer service, including penalties, are paid in full.

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Sec. 25-280. - Reserved.

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Sec. 25-281. - Right of county to tax for benefit of sewer system.

Nothing in this article shall be construed as limiting the right of the board of commissioners to exercise its right as authorized by law to create, operate and maintain the sewerage system through the imposition of ad valorem taxation.

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Sec. 25-282. - Discharges to sewer system by persons or governments residing outside county.

No persons or governments residing or operating outside the limits of the county shall discharge or cause to be discharged any material into the sanitary sewer system of the county without the prior approval of the county.

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Secs. 25-283—25-300. - Reserved.

DIVISION 7. - PHOSPHORUS CONTROL ^[91]

[Sec. 25-301. - Declaration of policy.](#)

[Sec. 25-302. - Definitions.](#)

[Sec. 25-303. - Sales prohibited.](#)

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[Sec. 25-304. - Penalties for violation.](#)

[Sec. 25-305. - Civil action.](#)

[Sec. 25-306. - Individual right to damages.](#)

[Secs. 25-307—25-359. - Reserved.](#)

Sec. 25-301. - Declaration of policy.

O.C.G.A. section 12-5-27.1 provides that whenever a local government entity is required by the environmental protection division to reduce phosphorus in its wastewater being discharged into the waters of the state, such local government entity shall pass an ordinance mandating the retail sale of low phosphorus household laundry detergent as part of its phosphorus reduction process. It is hereby declared to be the public policy of the city to encourage the use of clean phosphate-free household laundry detergents and to prohibit the sale of household laundry detergents which contain more than five-tenths (0.5) percent phosphorus by weight. The city finds that such use and sale will be a cost-effective way to reduce the amount of phosphorus in wastewater discharge so as to protect Georgia's rivers and lakes downstream; promote health, safety, and welfare; and prevent injury to human health, plant and animal life, and property. It is vital to the health, well-being, and welfare of present and future inhabitants of the county that these sources be protected against contamination and pollution.

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Sec. 25-302. - Definitions.

The following definitions shall apply in the interpretations and enforcement of this division:

Household laundry detergent. A laundering cleaning compound in liquid, bar, spray, tablet, flake, powder, or other form used for domestic clothes-cleaning purposes. The term "household laundry detergent" shall not mean:

- (1) A dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, or other substance that is intended to be used for nonlaundry cleaning purposes;
- (2) A detergent used in dairy, beverage, or food processing cleaning equipment;
- (3) A phosphorus acid product, including a sanitizer, brightener, acid cleaner, or metal conditioner;
- (4) A detergent used in hospitals, veterinary hospitals or clinics, or health care facilities or in agricultural production;
- (5) A detergent used by industry for metal cleaning or conditioning;
- (6) A detergent manufactured, stored, or distributed for use or sale outside of the state;
- (7) A detergent used in any laboratory, including a biological laboratory, research facility, chemical laboratory, and engineering laboratory; or
- (8) A detergent used in a commercial laundry that provides laundry services for hospitals, health care facilities, or veterinary hospitals.

Person. The term "person" shall mean any person, firm, partnership or corporation.

Phosphorus. The term "phosphorus" shall mean elemental phosphorus.

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Sec. 25-303. - Sales prohibited.

It shall be unlawful for any person to sell at the retail level a household laundry detergent which contains greater than five-tenths (0.5) percent phosphorus by weight and is intended to be used for domestic clothes-cleaning purposes.

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Sec. 25-304. - Penalties for violation.

Any person who violates any provision of this division shall be subject to a fine not to exceed the maximum fine allowed under this Code. Each sales transaction shall constitute a separate offense.

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Sec. 25-305. - Civil action.

In addition to the penalty provided in [section 25-304](#) above, the city may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this division.

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Sec. 25-306. - Individual right to damages.

Nothing in this division shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injuries to persons or property arising out of a violation of this division and to maintain any action or other appropriate proceeding thereof.

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Secs. 25-307—25-359. - Reserved.

ARTICLE V. - STORMWATER UTILITY

Sec. 25-360 – 25-374. - Reserved.

Sec. 25-360 – 25-374. - Reserved.

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